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Regulations

TITLE 10—ARMY: WAR DEPARTMENT

Chapter II—Aircraft

PART 21—USE OF ARMY AIRCRAFT

AIRCRAFT ACCIDENTS

The regulations therein having been deleted in revision of Army Regulations No. 95-120, 17 December 1943, § 21.10 pertaining to damage to persons or private property resulting from aircraft accidents is hereby rescinded and the following reference substituted therefor:

§ 21.10 *Aircraft accident; injury to persons or damage to private property.* In case of injury to persons or damage to private property, an investigation will be conducted in accordance with the provisions of Army Regulations and §§ 36.1 to 36.23, C.F.R. (R.S. 161; 5 U.S.C. 22) [Par. 5, AR 95-120, 17 December 1943]

[SEAL] **ROBERT H. DUNLOP,**
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 43-20714; Filed, December 31, 1943;
10:14 a. m.]

Chapter III—Claims and Accounts

PART 37—CLAIMS ON BEHALF OF THE UNITED STATES

DAMAGE TO OR LOSS OR DESTRUCTION OF GOVERNMENT PROPERTY AND FOR EXPENSE OR LOSS SUSTAINED INCIDENT TO INJURY TO OR DEATH OF MILITARY PERSONNEL

Sections 37.3, 37.4 and 37.5 (8 F.R. 7301) are hereby amended to read as follows. The regulations in these sections are also contained in Army Regulations No. 25-220, dated 3 July 1943, the particular paragraphs being shown in brackets at end of sections.

§ 37.3 *Definitions.* The words "claim" and "defendant," and the expression "Government property" are used in these regulations as follows:

(a) *Claim.* The right of the United States to demand from a defendant reimbursement for damage to or loss or de-

struction of Government property, or for loss of service, cost of medical treatment, hospitalization, travel, or other expense or loss sustained and to be sustained by the Government incident to injury to or death of military personnel, arising from negligence or wrongful act.

(b) *Defendant.* (1) Any individual, excluding military personnel and civilian employees of the United States acting within the scope of their employment when only simple negligence is involved; and

(2) Any partnership, association, corporation, or governmental body other than an instrumentality of the United States.

(c) *Government property.* Real or personal property owned by the Government or otherwise in the custody or control of the War Department or of the Army. Where liability to the Government for the particular loss, damage, or destruction is fixed by contract, for example, property furnished to or otherwise acquired by a War Department contractor or subcontractor, such liability will be asserted under the contract and not pursuant to the provisions of these regulations. [Par. 1]

§ 37.4 *Scope.* Included within the provisions of the regulations in §§ 37.3 to 37.5 are claims in excess of \$25 for:

(a) Damage to or loss or destruction of Government property.

(b) Amount of pay and allowances paid or payable by the Government to military personnel for any period of incapacitation incident to injury to such personnel.

(c) Cost of medical treatment, hospitalization, travel, or other expense or loss to the Government in the rehabilitation of military personnel incident to injury to such personnel.

(d) Cost of funeral, burial, transportation, or other expense or loss to the Government incident to death of military personnel. [Par. 2]

§ 37.5 *Action by reviewing authorities.* Upon receipt by the commanding general of a service command, or the commanding officer of an air service command, or the claims service of a foreign command, as the case may be,

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each claims officer's report will, unless the report is accompanied by a statement that payment in full has been made, be reviewed and, after any corrective action deemed necessary with relation thereto, appropriate administrative action will be taken. Such action, unless the claims officer's report is accompanied by a statement that payment in full has been made or by a compromise offer which such reviewing authority deems it advisable to accept, will in-

clude a determination whether the defendant is legally liable to the United States and, if so, the amount of such liability. Upon a determination that the defendant is liable and of the amount of such liability, the commanding general of the service command, or the commanding officer of the air service command, or the chief of the claims service of the foreign command, will cause a written demand to be made upon the defendant for payment of the claim. If such demand is complied with, the certified check or postal money order will be accepted and transmitted to the appropriate fiscal officer. If the defendant fails to comply with the demand within a reasonable time, and the amount involved, the financial responsibility of the defendant, and other circumstances of the case appear to make advisable the institution of suit, or if the defendant has already made, or on such demand makes, a compromise offer accompanied by a certified check or postal money order, the commanding general of the service command, or the commanding officer of the air service command, or the chief of the claims service of the foreign command, will forward the original and one copy of the file, including any compromise offer and certified check or postal money order, with his recommendation as to the advisability of acceptance of such compromise offer, if any, or, if none, as to the advisability of instituting suit, to The Judge Advocate General, Washington 25, D. C., for appropriate administrative action. [Par. 4] (R.S. 161; 5 U.S.C. 22)

[SEAL] ROBERT H. DUNLOP,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 43-20715; Filed, December 31, 1943;
10:14 a. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

[Gen. Order 16, Interpretation 1]

PART 803—GENERAL ORDERS

WAGE ADJUSTMENTS

An interpretation to § 803.16 is issued to read as follows:

Wage adjustments required by State statutes which prohibit wage discrimination between the sexes are "adjustments which equalize the wage or salary rates paid to females with the rates paid to males for comparable quality and quantity of work on the same or similar operations" within the meaning of General Order No. 16 and may be made without approval of the National War Labor Board. Such adjustments need not, however, be reported to the Board as required by subparagraph (1) of General Order No. 16.

(E.O. 9250, 7 F.R. 7871)

L. K. GARRISON,
Executive Director.

DECEMBER 27, 1943.

[F. R. Doc. 43-20712; Filed, December 31, 1943;
10:04 a. m.]

TITLE 31—MONEY AND FINANCE

Chapter II—Fiscal Service

Subchapter B—Bureau of the Public Debt
[1944 4th Amdt. to Dept. Circ. No. 530, 5th Rev.]

PART 315—REGULATIONS GOVERNING UNITED STATES SAVINGS BONDS

MISCELLANEOUS AMENDMENTS

JANUARY 1, 1944.

Department Circular No. 530, Fifth Revision, dated June 1, 1942, as amended, is hereby further amended as follows:

1. Section 315.5 is amended by striking out the second sentence of the first paragraph and inserting in lieu thereof the following:

Bonds of these two series may also be registered in the names of fiduciaries, corporations, associations or partnerships, except that they may not be registered in the names of commercial banks, which are defined for this purpose as those accepting demand deposits: *Provided, however*, That bonds originally issued on or after January 1, 1944, may be registered in the name of a commercial bank having savings deposits to the extent and under the conditions set forth in § 315.9 (c) hereof.

2. Section 315.5 (d) is amended to read as follows:

(d) In the name of any private organization, whether incorporated or unincorporated (except that bonds originally issued prior to January 1, 1944, may not be registered in the name of a commercial bank as hereinbefore defined), using in each case the full legal name of the organization without mention of any officer of member but making reference, if desired, to a particular bookkeeping account or fund (not a trust), as follows:

(1) A private corporation, followed by the words "a corporation", for example: "Smith Manufacturing Company, a corporation";

(2) An unincorporated association, lodge, church or society, or similar body, followed by the words "an unincorporated association", for example: "The Lotus Club, an unincorporated association". The term "an unincorporated association" should not be used to describe a trust fund, a partnership or a business conducted under a trade name;

(3) A partnership, considered as an entity, followed by the words "a partnership", for example: "Smith and Brown, a partnership".

3. Section 315.9 (c) is amended to read as follows:

(c) Series F and G—\$50,000 (issue price) for the calendar year 1941, and \$100,000 (issue price) for each calendar year thereafter, of either series or of the combined aggregate of both: *Provided, however*, That as to bonds of these series originally issued on or after January 1, 1944, the amount held by a commercial bank having savings deposits as defined in Regulation Q of the Board of Governors of the Federal Reserve System shall not in any case exceed \$100,000 (issue price) or ten percent of such savings deposits as shown on the bank's

books as of the date of the most recent call statement required by the supervising authorities prior to the date of acquisition of such savings bonds, whichever is less; And provided further, That the amount of savings bonds of Series F and G originally issued on or after January 1, 1944, held by a commercial bank together with 2½ percent Treasury Bonds of 1965-70, to be issued under Treasury Department Circular No. 729, and 2¼ percent Treasury Bonds of 1956-59, to be issued under Treasury Department Circular No. 730, shall not exceed in the aggregate \$200,000 or ten percent of the savings deposits of such bank as above defined, whichever is less.

(R.S. 161 (U.S.C. 5, sec. 22), The Second Liberty Bond Act, as amended, and The Public Debt Act of 1941)*

[SEAL] HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 43-20719; Filed, December 31, 1943;
10:51 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Navy

[General License 3]

PART 6—SECURITY OF PORTS AND THE CONTROL OF VESSELS IN THE NAVIGABLE WATERS OF THE UNITED STATES

SUBPART D—GENERAL LICENSES

Pursuant to the authority vested in the Commandant of the Coast Guard by § 6.18 of the regulations contained in this part, it is hereby found that the continuance in force of General License No. 3 in its present form would be inimical to the war effort and that its reissuance as hereafter set forth would not be inimical to the war effort or to the safety and protection of vessels or the territorial waters, and General License No. 3 is amended and reissued as follows:

§ 6.202 *General License No. 3.* All vessels exclusive of those covered by § 6.19 of this part which are now in or which may hereafter enter the local waters are hereby generally licensed to depart from local waters by crossing the international boundary between the United States and Canada, subject to the following terms and conditions:

(a) Pleasure vessels departing from a port or place within the United States may not touch at any Canadian port or place without having obtained a permit from the Captain of the Port.

(b) This general license may be revoked by the Commandant of the Coast Guard whenever he finds its continuance in force would be inimical to the war effort and to the safety and protection of vessels or the navigable waters of the United States.

(c) The Commandant of the Coast Guard may, in his discretion, exclude individual vessels from this general license upon notification to the owners, agents,

masters, or operators thereof, but any vessel so excluded may be granted an individual license under the provisions of § 6.15 of Subpart A.

(d) The issuance of this general license does not in any manner relieve any vessel covered thereby or its owner, master, or operator from compliance with the provisions of any other applicable law or regulations.

R. R. WAESCHE,
Commandant.

DECEMBER 30, 1943.

[F. R. Doc. 43-20718; Filed, December 31, 1943;
10:34 a. m.]

Chapter II—Corps of Engineers, War Department

PART 203—BRIDGE REGULATIONS

BRIDGES IN LOUISIANA

Pursuant to section 5 of the River and Harbor Act of August 13, 1834 (23 Stat. 362; 33 U.S.C. 499), the provisions of § 203.241 (8 F.R. 15610, 18687) are hereby extended to include additional bridges in Louisiana, paragraph (f) being amended as follows:

§ 203.241 *Navigable waterways of the United States discharging their waters into the Atlantic Ocean south of and including Chesapeake Bay and the Gulf of Mexico, excepting the Mississippi River and its tributaries; bridges where constant attendance of draw tenders is not required.*

(f) The bridges to which these regulations apply, and the advance notice required in each case, are as follows:

Lacombe Bayou, La.: Louisiana Department of Highways bridge at Lacombe, La. (At least forty-eight hours' advance notice required.)

Colwell Bayou, La.: Louisiana Department of Highways bridge near Port Vincent, La. (At least forty-eight hours' advance notice required.)

Bayou Lafourche, La.: Louisiana Department of Highways bridge at Labadieville, La. (At least forty-eight hours' advance notice required.)

Grosse Tete Bayou, La.: Louisiana Department of Highways bridge near Rosedale, La. (At least forty-eight hours' advance notice required.)

Vermillion River, La.: Louisiana Department of Highways bridge near Lafayette, La. (At least forty-eight hours' advance notice required.)

Des Cannes Bayou, La.: Louisiana Department of Highways bridge near Evangeline, La. (At least forty-eight hours' advance notice required.)

Nezplugue Bayou, La.: Louisiana Department of Highways bridge near Jennings, La. (At least forty-eight hours' advance notice required.)

Choupique Bayou, La.: bridges of Louisiana Department of Highways near Calcaideu, La. (At least forty-eight hours' advance notice required.)

[SEAL]

ROBERT H. DUNLOP,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 43-20716; Filed, December 31, 1943;
10:14 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XI—Office of Price Administration

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. EO 13]

PROCESSED FOODS

Ration Order 13 and Amendments 1 through 101 thereto are revised, and reissued as Revised Ration Order 13, to read as follows:

§ 1407.1101 *Rationing of processed foods.* Under the authority vested in the Administrator by Executive Order No. 9125, issued by the President on April 7, 1942; Directive No. 1 and Supplementary Directive No. 1-M of the War Production Board, issued on January 24, 1942 and September 12, 1942, respectively; Executive Order No. 9280, issued by the President on December 5, 1942; and Food Directive No. 5, issued by the Secretary of Agriculture on February 20, 1943, Revised Ration Order 13 (Processed Foods), which is annexed hereto and made a part hereof, is hereby issued.

Authority: § 1407.1101 issued under Pub. Law 671, 76th Cong., as amended by Pub. Laws 83, 421, 597 and 723, 77th Cong.; Executive Order 9125, 7 F.R. 2719; Executive Order 9220, 7 F.R. 10178; W.P.B. Directive 1, 7 F.R. 582, and Supplementary Directive 1-M, 7 F.R. 7234; and Food Directive 5, 8 F.R. 2251, 3469.

REVISED RATION ORDER No. 13—PROCESSED FOODS

ARTICLE I—INTRODUCTION

- Sec.
- 1.1 This order covers processed foods.
 - 1.2 Processed foods are rationed by the point system.
 - 1.3 Points come in the form of stamps, certificates or ration coupons, and ration checks.

ARTICLE II—CONSUMERS

- 2.1 When a person is a consumer.
- 2.2 Consumers and industrial and institutional users may not purchase processed foods between certain dates.
- 2.3 Consumers may purchase after February 23, 1943, only for points.
- 2.4 How points are given up by consumers.
- 2.5 Consumers who need more processed foods because of illness may apply for more points.
- 2.6 Consumers who must purchase in quantity may apply for certificates.
- 2.7 Service men may get certificates to acquire processed foods.
- 2.8 Consumers who must have more processed foods for their subsistence may apply for more points.

ARTICLE III—PROCESSORS

- 3.1 Explanation of the terms processor and processor establishment.
- 3.2 Processors must register and file reports.
- 3.3 Processor is given a registration number.
- 3.4 Processor may not do business if he does not register and file reports.
- 3.5 Processors must report their inventories.
- 3.6 A processor must turn over the points he receives to the Washington Office.
- 3.8 Processors must keep records.

*8 F.R. 11042, 11333, 11489, 11533, 11513, 11733, 11812, 12326, 12337, 12455, 12537, 12549, 12559, 12312, 12393, 12446, 13331, 13492, 13339, 14249, 14472, 14473, 14737, 14763, 14476, 14477, 15326, 14620, 15454, 14709, 15783, 15524, 15534, 15716, 16122, 16373, 16223, 16427, 16318, 16693, 16301, 16756.

Sec.

- 3.9 Processors must account for differences between their transfers and the number of points given up to the Office of Price Administration.
- 3.10 Industrial users who become processors because of the addition of items to the list of processed foods.

ARTICLE IV—WHOLESALESA

- 4.1 Explanation of the terms wholesaler and wholesaler establishment.
- 4.2 Wholesalers must register and file reports.
- 4.3 Wholesaler may not do business if he does not register and file reports.
- 4.4 Wholesalers must report their inventories.
- 4.5 Wholesalers must report their sales and points on hand.
- 4.6 A wholesaler is allowed a maximum inventory.
- 4.7 Wholesaler may not acquire processed foods if actual inventory is greater than maximum allowable inventory.
- 4.8 Washington Office may grant working point capital to wholesalers.
- 4.9 Wholesalers must keep records.
- 4.10 Inventory adjustment because of additions to the list of processed foods.

ARTICLE V—RETAILERS

- 5.1 Explanation of the terms retailer and retail establishment.
- 5.2 Retailers must get statement of purchases during March 1943.
- 5.3 Retailers must register.
- 5.4 Retailer may not do business unless he has registered.
- 5.5 Retailers must report their inventories.
- 5.6 Retailers must report their sales and points on hand.
- 5.7 Certain retailers need not report inventory and other information.
- 5.8 A retailer is given an allowable inventory.
- 5.10 Retailers must keep records.
- 5.11 Retailers must post point prices.

ARTICLE VI—INDUSTRIAL USERS

- 6.1 Explanation of the terms industrial user and industrial user establishment.
- 6.2 Industrial users must register.
- 6.3 Industrial user may not do business unless he has registered.
- 6.4 Industrial users must report their inventories.
- 6.5 Industrial users must report their base period use.
- 6.6 Industrial users' allotments.
- 6.7 Registration after March 10, 1943.
- 6.8 Restrictions on use of processed foods by industrial users.
- 6.9 Industrial users must keep records.
- 6.10 Users of dried or dehydrated fruits which are not processed foods are governed by special rules.

ARTICLE VII—COMBINED OPERATIONS AND COMBINED ESTABLISHMENTS

- 7.1 A person who operates different types of establishments is treated as if he were different persons.
- 7.2 The same person may be both a wholesaler or retailer and industrial user at the same place.
- 7.3 The same person may be both a wholesaler or retailer and an institutional user at the same place.
- 7.4 The same person may be both a processor and a wholesaler or retailer at the same place.
- 7.5 The same place may be more than one establishment.

ARTICLE VIII—RATION BANK ACCOUNTS

- 8.1 A ration bank account is an account in which points are deposited.
- 8.2 Who must open a ration bank account.
- 8.3 All points must be deposited in the account.
- 8.4 When points must be deposited.

ARTICLE IX—SALES AND TRANSFERS OF PROCESSED FOODS

Sec.

- 9.1 No transfers may be made to certain persons between certain dates.
- 9.2 Only certain persons may transfer processed foods.
- 9.3 Transfers after February 28, 1943 may be made only for points.
- 9.4 How processed foods are transferred to consumers.
- 9.5 How processed foods are transferred to persons other than consumers.
- 9.6 Transfers between establishments of different types or between separately registered establishments of the same type operated by the same person.
- 9.7 Transferor may not use points he receives in advance until processed foods are transferred.
- 9.8 Points may be returned for underdeliveries of processed foods.
- 9.9 Points must be given up for imports of foods.
- 9.10 Permitted transfers of dried prunes or raisins, in exchange for points, by dehydrator or grower of fruit.
- 9.11 Sale at lower point values of foods in danger of spoilage.

ARTICLE X—POINT-FREE TRANSFERS

- 10.1 Processed foods in transit prior to effective date of rationing may be acquired point-free.
- 10.2 Processed foods may be exchanged for other processed foods.
- 10.3 Lost or stolen processed foods may be returned, point-free.
- 10.4 Stocks of processed foods may be moved point-free between establishments of the same person which are registered together.
- 10.5 Processed foods may be stored and returned from storage, point-free.
- 10.6 Security interests in processed foods may be created and released, point-free.
- 10.7 Processed foods may be transferred, point-free, for liquidation, by operation of law, or in judicial proceedings.
- 10.8 Processed foods may be acquired, point-free, by insurers or for salvage.
- 10.9 Processed foods may be transferred to prospective buyers for sampling, point-free and may be used for sampling and demonstration.
- 10.10 Processed foods may be delivered point-free to certain persons.
- 10.11 Processed foods may be transferred, point-free, in connection with transfer of a business.
- 10.12 Processors may transfer point-free to allow for spoilage.
- 10.13 Grower of dry beans, peas or lentils may transfer them to country shippers point-free.
- 10.14 Country shipper or grower of dry beans, peas, or lentils may transfer them point-free to growers for seed purposes.
- 10.15 Wholesaler or retailer may transfer dry beans, peas, or lentils point-free for seed.
- 10.16 Dry beans, peas, or lentils may be transferred point-free between country shippers.
- 10.17 Point-free transfers of dried prunes or raisins by a dehydrator or grower of fruit.
- 10.18 Title to foods may be transferred point-free where the one who has title does not have possession.
- 10.19 Point-free transfer of jams, jellies, fruit butters, marmalades and preserves in Christmas gift packages.

ARTICLE XI—SALE OF BUSINESS

- 11.1 Sale or transfer of retail, wholesale, or processor establishment.
- 11.2 Sale or transfer of industrial user establishments.
- 11.3 Moving establishment to another place.

ARTICLE XII—NEW BUSINESSES

Sec.

- 12.1 New retail establishments may be opened.
- 12.2 New wholesale establishments may be opened.
- 12.3 New processor establishments may be opened.
- 12.4 In special cases, allotments may be granted for new industrial user establishments.

ARTICLE XIII—CLOSING OF BUSINESS

- 13.1 What a person who closes his establishment must do.

ARTICLE XIV—MISCELLANEOUS ADJUSTMENTS

- 14.1 Retailer may apply for inventory adjustments after March 1943.
- 14.2 Wholesaler may apply for inventory adjustments after March 1943.
- 14.3 Wholesalers and retailers may apply for point loans.
- 14.4 Adjustments for lost, destroyed, stolen or spoiled processed foods.
- 14.5 Applications may be made for other adjustments.
- 14.6 Wholesaler or retailer may apply for points to replace dry beans, peas, or lentils transferred point-free for seed.
- 14.7 Person acquiring seed beans, peas, or lentils may transfer them as food only for points.

ARTICLE XV—ISSUANCE AND USE OF CERTIFICATES AND RATION COUPONS

- 15.1 How certificates are issued.
- 15.2 Certificates are good for a limited time.
- 15.3 A certificate must be endorsed.
- 15.5 Names of persons who have been given certificates may be posted.
- 15.6 Certificates are the property of the Office of Price Administration and may be revoked.
- 15.7 Sugar purchase certificates may be corrected and used as processed foods purchase certificates.
- 15.8 How ration coupons are issued.

ARTICLE XVI—RECORDS, REPORTS AND INSPECTIONS

- 16.1 Records must be kept for two years.
- 16.2 Records may be inspected by Office of Price Administration.
- 16.3 Places where processed foods are kept may be inspected.
- 16.4 Records and reports are confidential.
- 16.5 Office of Price Administration may extend time for registration and reports.
- 16.6 Office of Price Administration may require applicants to give information.
- 16.7 Persons who produce certain items similar to processed foods must file reports.

ARTICLE XVII—ADDITIONAL RECORDS TO BE KEPT BY CHAINS

- 17.1 Chains must keep records of transfers of stocks and points between establishments.

ARTICLE XVIII—APPEALS

- 18.1 Persons directly affected by action taken under this order can appeal.

ARTICLE XIX—MISCELLANEOUS RULES AND PROHIBITIONS

- 19.1 Additional prohibitions.
- 19.2 Stamps and certificates may not be taken by legal process or acquired by will.
- 19.3 Office of Price Administration must be notified of legal proceedings.
- 19.4 General Ration Order 5 governs whenever inconsistent with this order.
- 19.5 References to Ration Order 13 deemed references to Revised Ration Order 13.

ARTICLE XX—SUSPENSION ORDERS

- 20.1 Office of Price Administration may issue suspension orders.

ARTICLE XXII—EXPORTS

- Sec.
22.1 Processed foods may be exported point-free.
22.2 Points may be obtained to acquire processed foods for export.
22.3 Exporter must account for all processed foods exported.

ARTICLE XXIII—EXEMPT AGENCIES: SHIPS' STORES; GOVERNMENTAL INVESTIGATORY AGENCIES

- 23.1 Exempt agencies may acquire processed foods.
23.2 How exempt agencies acquire processed foods.
23.3 Post exchanges and ships' service departments ashore may acquire processed foods for points.
23.4 Sales commissaries, post exchanges and ships' service departments ashore may transfer processed foods for points.
23.5 Veterans' Administration and Coast and Geodetic Survey may apply for allotments under General Ration Order 5.
23.6 Industrial users may replenish foods used in products transferred to agencies designated in General Ration Order 11.
23.7 Ships' and planes' stores.
23.8 Governmental investigatory agencies may acquire processed foods needed in their investigations.
23.9 Issuance and use of checks by Extension Service of Department of Agriculture.

ARTICLE XXIV—GROWERS AND COUNTRY SHIPPERS OF DRY BEANS, PEAS, AND LENTILS

- 24.1 Explanation of terms grower and country shipper with respect to dry beans, peas, and lentils.
24.2 Country shippers must register and file reports.
24.3 Country shipper is given a registration number.
24.4 Country shipper may not do business if he does not register and file reports.
24.5 Country shippers must report their inventories.
24.6 A country shipper must turn over the points he receives to the Washington office.
24.7 A country shipper must keep records.
24.8 Country shippers must open a ration bank account.
24.9 Growers who sell or transfer dry beans, peas, or lentils to persons other than country shippers must do so only for points.

ARTICLE XXV—ACQUISITION OF PROCESSED FOODS BY RESIDENTS OF MEXICO

- 25.1 Residents of Mexico may acquire processed foods in the United States.
25.2 How processed foods may be transferred to residents of Mexico.
25.3 Records and reports by supplier from whom processed foods are to be acquired.
25.4 Records and reports by suppliers who transferred processed foods to residents of Mexico before July 1, 1943.

ARTICLE XXVI—HOME PROCESSED FOODS

- 26.1 Explanation of terms "home processor" and "home processed foods."
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Sec.

- 26.5 Person may have foods grown by members of his family unit processed by a processor for household consumption.
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ARTICLE XXVII—DEFINITIONS

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APPENDICES

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ARTICLE I—INTRODUCTION*

SECTION 1.1 *This order covers processed foods.* (a) The foods which are covered by this order are called "processed foods" and are listed in section 27.1 (a) (10).

(b) Puncturing or opening the container in which processed foods are packed, or merely removing them from the container, does not cause them to cease to be processed foods. Frozen processed foods which thaw out do not thereby cease to be processed foods.

(c) When any processed food is prepared for service and served, it is no longer considered a processed food. Thus, a "person" who is served canned peaches in a restaurant, as part of a meal, is not getting processed food. Furthermore, when a processed food has been used in making a product which is not rationed under this order, it ceases to be a processed food. For example, canned peaches may be used in baking peach pie—that pie, and the peaches in it, are not processed foods.

SEC. 1.2 *Processed foods are rationed by the point system.* (a) All types of processed foods are rationed together, as a group, through the use of the point system of rationing. Each item of processed foods is given a particular point value for each size in which it is sold. The point value of a processed food is the number of points that must be given up by any person who wants to get it, just as the money price of an article is the amount of money it costs. The point values will be fixed by the Office of Price Administration in a supplement to this order, containing the official table of point values. These point values may be changed from time to time, as conditions require.

SEC. 1.3 *Points come in the form of stamps, certificates or ration coupons and ration checks.* (a) There are several forms of tokens or ration currency which represent points.

(b) The basic tokens are the blue "stamps" in War Ration Book Two and the green stamps in War Ration Book Four, which are designated by the Office of Price Administration to be used for the acquisition of processed foods.

* Words which are specially defined in this order are shown in quotation marks the first time they appear in each article. All definitions are given in section 27.1 of the order.

They are the form in which points are generally given up by consumers.

(c) Other forms of ration currency authorized by the Office of Price Administration are "certificates" (OPA Form R-1201) or ration coupons and ration checks drawn on ration bank accounts. A certificate or ration coupon is issued by the Office of Price Administration for a person authorized by that office to issue it and is worth the number of points stated on it. Ration checks are very much like ordinary checks. They are drawn on a bank account in which a person has deposited his points, just as an ordinary check is drawn on a bank account in which he has deposited his money. (The cases in which ration checks are used are covered in Articles VIII and IX.)

ARTICLE II—CONSUMERS

SEC. 2.1 *When a person is a consumer.* (a) Any "person" who buys or "acquires" "processed foods" for his personal use or for use at a table at which he eats, is a "consumer". (When a person gets processed foods in order to resell them or in order to use them in making other products for sale, he is not a consumer, since those are not personal uses. He is a consumer only so far as he does get processed foods for personal uses.)

SEC. 2.2 *Consumers and industrial and institutional users may not purchase processed foods between certain dates.* (a) From February 21, to February 23, 1943, inclusive, no consumer may buy or acquire processed foods from any other person. (However, a consumer may borrow processed foods from, and return borrowed processed foods to, another consumer and may acquire processed foods from another consumer for consumption at a common table.)

(b) From October 23 to October 30, 1943, inclusive, no consumer, "industrial" or "institutional user" may buy or acquire "jams", "jellies", "fruit butters", "marmalades" (other than citrus marmalades) or "preserves" (other than cream pie or pastry fillings, with or without fruit flavoring) from any other person. (However, consumers may, during that period, borrow such foods from, and return such borrowed foods to, another consumer and may acquire such foods from another consumer for consumption at a common table. In addition, industrial and institutional users may accept delivery of any jams, jellies, fruit butters, marmalades, or preserves which were in transit to them on October 22, 1943.)

SEC. 2.3 *Consumers may purchase after February 28, 1943 only for points.* (a) Beginning March 1, 1943, a consumer may buy or acquire processed foods only by giving up points equal to the point value of the processed foods acquired. However, a consumer may exchange processed foods with any other person for other processed foods of equal point value, without giving up points and may transfer and acquire processed foods as provided in Article XXVI of this order. Moreover, consumers may sell or transfer processed foods having a zero point value at the time of the sale or transfer.

(b) Consumers may lend processed foods to, or borrow them from, other consumers, and they may return borrowed processed foods. They may also acquire processed foods from other consumers for consumption at a common table. No points are to be given up for such transactions. (A transaction is not a loan of processed foods if any charge is made.)

(c) A consumer who has acquired processed foods for points may give them to another consumer point-free. He may also give them point-free to a religious, charitable, civic, or municipal organization, as his agent, to give them point-free to another consumer. (A transaction is not a gift if any charge is made.)

SEC. 2.4 *How points are given up by consumers*—(a) A consumer uses stamps. A consumer gives up points, when he acquires processed foods, by surrendering blue "stamps" taken from his War Ration Book Two or the green stamps taken from his War Ration Book Four.

(b) *Stamps may be used only during fixed periods.* Each blue stamp in War Ration Book Two is good for a limited time only and a consumer may use it only during that time. The letter printed on the stamp is used to indicate the time when it may be used by a consumer. Blue stamps lettered "A" "B" and "C" may be used only during March 1943. Blue stamps lettered "D," "E" and "F" may be used only from March 25, 1943 to April 30, 1943, inclusive. The other blue stamps in War Ration Book Two and the green stamps in War Ration Book Four may be used only during periods which will be fixed in a supplement to this order. These periods may be changed by the Office of Price Administration, even after they have begun.

(c) *General rules for the use of stamps by consumers.* A consumer must give up stamps worth exactly the point value of the processed foods he acquires. The number of points a stamp is worth is shown by the figure printed on it. Stamps must be given up at the time processed foods are acquired. The stamps may be used by a consumer only if torn out of the war ration book in the presence of the person who is selling or transferring the processed foods. A stamp may be used only to get processed foods for the consumer from whose book it is taken, or for use at a table at which he eats.

(d) *A consumer also uses certificates.* Any consumer to whom a "board" issues a "certificate" may use it to acquire processed foods, just as stamps are used. However, a consumer may give up the certificate at or before the time when the processed foods are acquired.

The number of points a certificate is worth, and the date when it expires, will be shown on that certificate. A consumer to whom a certificate has been issued must sign his name on the back before he may use it.

(e) *How mail order purchases are made.* A consumer who orders processed foods for delivery by mail may detach stamps from his war ration book and send them with his order. The stamps

are good if the envelope in which they are inclosed is postmarked on or before the last day on which they may be used by a consumer, even if the seller does not receive them until after that date. If the seller cannot fill all or any part of the order, he will return a ration check for the difference. The consumer may endorse that check and use it to get processed foods.

SEC. 2.5 *Consumers who need more processed foods because of illness may apply for more points.* (a) Any consumer whose health requires that he have more processed foods than he can get with his war ration book, may apply for additional points. The application must be made, on OPA Form R-315, by the consumer himself or by someone acting for him, and may be made in person or by mail. The application can be made only to the board for the place where the consumer lives. His application (on OPA Form R-315) must contain a written statement signed by a person licensed by the laws of the State in which the certification is made to prescribe for human medication all internal drugs which may be prescribed within that State. The statement must show why the applicant must have more processed foods, the amounts and types he needs during the next two months, and why he cannot use unrationed foods instead.

(b) If the board finds that his health depends upon his getting more processed foods, and that he cannot use or cannot get unrationed foods, it shall issue to him one or more certificates for the number of points necessary to get the additional processed foods he needs during the next two months.

SEC. 2.6 *Consumers who must purchase in quantity may apply for certificates.* (a) Some consumers may not be able to get processed foods during the period when their stamps are good, either because of transportation difficulties, or because they live an unusually long distance from their market. Such a consumer may apply for a certificate in exchange for some or all of the stamps in his war ration book, so that he can get the amount of processed foods to which he is entitled at a time when he is able to get them. The application must be made on OPA Form R-315, in person or by mail, to the board for the place where he lives. It must be made by the consumer himself or by someone acting for him.

(b) If the board finds that the consumer will suffer hardship because he cannot get the processed foods to which he is entitled during the periods when his stamps are good (for the reasons set forth above), it may issue to him a certificate. The certificate may be for any number of points up to the value of his remaining stamps which may be used to acquire processed foods. The board must remove from each war ration book, and cancel such stamps worth the amount of the certificate.

SEC. 2.7 *Service men may get certificates to acquire processed foods.* (a) Members of the Armed Forces of the

United States and Allied Nations who do not have a war ration book which can be used to acquire processed foods, and are not entitled to have it, may obtain certificates to get processed foods under the circumstances and in accordance with the procedure set forth in General Ration Order 9.

SEC. 2.9 *Consumers who must have more processed foods for their subsistence may apply for more points.* (a) Consumers (including those who eat in group one institutional establishments, as defined in General Ration Order 5) may apply for additional points if they cannot get enough fruits or vegetables to meet minimum nutritional needs for such foods, because (1) supplies of such foods are not reasonably accessible to them, except at infrequent intervals, and (2) they have no facilities for storing such foods long enough and in the quantities required to supply their needs.

(b) Any consumer who needs more processed foods for the reasons set forth in paragraph (a) of this section, may apply to his board, in person or by mail, on OPA Form R-315. He must submit his war ration book with his application. One application may be made covering more than one consumer, but the name of each shall be listed on the application, and the war ration book of each person included in the application must be submitted with it. The application must state in detail:

(1) Why the persons included therein cannot obtain enough fruits or vegetables to meet minimum nutritional standards;

(2) How many pounds of processed foods they will need;

(3) For how long a period;

(4) How many pounds of processed foods (including home canned) they have, at the time of application; and

(5) How many pounds of fresh fruits or vegetables (excluding potatoes) will be available to them during the period covered by the application.

(c) All regional offices are authorized to rule on applications under this section, and to authorize boards or district offices to rule on them. A board or district office may rule on such an application only if the regional office for the area where it is located has given it such authority. If the board has not been given such authority, it shall forward the application with its recommendation to the district office. If the district office has been given such authority, it shall indicate what action is to be taken, and return the file to the board. If the district office has not been given such authority, it shall forward the file to the regional office. The regional office shall then indicate what action is to be taken, and return the file to the board. All certificates to be issued under this section shall be issued by boards.

(d) The regional office, or board or district office which is authorized to rule on such applications, may issue or authorize the issuance of one or more certificates for the number of points that it finds should be allowed. No board or district or regional office shall

issue or authorize the issuance of a certificate unless it finds that the applicants will be unable to get enough fruits or vegetables, during the period covered by the application, to meet minimum nutritional needs for such foods because (1) supplies of such foods are not reasonably accessible to them, except at infrequent intervals, and (2) they have no facilities for storing such foods long enough and in the quantities required to supply their needs. In determining how many points to allow, consideration shall be given to the amount of processed foods, and fresh fruits or vegetables (excluding potatoes), which will be available to the applicants during the period covered by the application. In addition, the board or district office shall be governed by any further conditions established by the regional or Washington office.

(e) Any board which issues certificates under this section shall keep a record of the number of points which it has issued. It shall, within five (5) days after the end of each month, send to the district office a statement of the total number of points issued each month. The district office shall forward such statements to the regional office. The regional office shall forward such statements to the Washington office.

ARTICLE III—PROCESSORS

SEC. 3.1 *Explanation of the terms processor and processor establishment—*

(a) *A place where processed foods are produced is a processor establishment.* Any place at which a "person" produces "processed foods" for sale or other "transfer" or for "industrial use," is a "processor establishment." (This article does not apply with respect to dry beans, peas, or lentils, to "growers" or to "country shippers." Article XXIV sets forth the definitions and rules controlling growers and country shippers with respect to dry beans, peas, and lentils. However, any person who is a grower or country shipper of dry beans, peas, or lentils as well as a "processor" of other processed foods is controlled by both Article XXIV and Article III of this order.)

(1) A person produces processed foods:

(i) If he bottles, cans or packs fruits, fruit juices, vegetables, vegetable juices, soups or baby foods, in hermetically sealed containers and sterilizes them by the use of heat; or

(ii) If he subjects fruits, vegetables, or fruit or vegetable juices to a freezing operation as a result of which they become "frozen" food. (NOTE: When unfrozen fruits or vegetables or juices are placed in a locker plant, cold storage warehouse, or other freezing facility, and thus subjected to the freezing process, the place where the foods are frozen is the processor establishment of the person who subjected them to the process, whether or not he is the person who operates the locker plant, warehouse or other freezing facility. In other words, the determining factor is who subjects the foods to the freezing process and not who maintains the process, or who owns the

foods.) (However, a person who subjects foods to freezing under the conditions described in section 26.4a of this order is not a processor with respect to those foods.)

(iii) If he makes "jams", "jellies", "fruit butters", "marmalades", or "preserves."

(iv) If he packs fruit or vegetable juices from containers over one (1) gallon into hermetically sealed containers of one (1) gallon or less and sterilizes them by the use of heat; or

(vi) If he precooks dry beans, peas, or lentils; or

(viii) If he uses processed foods to produce other processed foods (as, if he uses canned peaches to make canned fruit salad).

NOTE: Not all items in the above groups are processed foods as that term is defined. For example, fruit and vegetable juices packed in containers over one gallon are not processed foods. Canned olives are not processed foods. Therefore, a person who packs fruit juices in containers over one gallon, or who cans or bottles olives, does not thereby produce a processed food.

(2) The first person, other than a dehydrator or grower of dried prunes or "raisins", who "acquires" dried prunes or raisins from a dehydrator or grower of those fruits is considered to "produce" those processed foods if he is regularly engaged in the distribution of dried prunes or raisins and if more than 50 per cent of the dried prunes or raisins sold or transferred by him are sold or transferred to persons other than "consumers." However, a processor of dried prunes or raisins who also produces other processed foods for sale or transfer is deemed to be two separate processors with respect to those operations. His inventories and transfers of dried prunes or raisins must be treated separately from his inventories or transfers of other processed foods. In addition, a processor of dried prunes or raisins is not a dehydrator, grower, "wholesaler", or "retailer" with respect to those fruits, and he may not include those fruit in the inventory or transfers of any of his "wholesale" or "retail establishments."

(b) *A place to which processed foods are imported is a processor establishment.* Any place (including space in a public warehouse) to which a person imports processed foods into the United States, from any place outside the United States, for sale or transfer, or for industrial use, is also a processor establishment.

(c) *Place where person keeps only processed foods he produced is a processor establishment.* The term processor establishment also includes any place (including space in a public warehouse) at which a person does not produce or import processed foods, if he regularly keeps there, for sale or transfer, only stocks of processed foods which he himself produced or imported. (If he also regularly keeps there, for sale or transfer, processed foods produced or imported by someone else it is a processor

establishment only if it meets the requirements of paragraph (d); otherwise it is a wholesale or retail establishment, depending upon the nature of his operations there.)

(d) *A place where a person keeps processed foods produced by someone else may be a processor establishment.* There are two cases in which a place where a person keeps processed foods produced or imported by someone else is a processor establishment:

(1) A place where a person keeps, for sale or transfer, processed foods produced or imported by someone else, is a processor establishment as to those stocks if the person keeping such processed foods, also produces processed foods, whether at that place or elsewhere, and if he does not, in any one calendar year, acquire (at all his establishments together, of whatever type) for sale or transfer more processed foods produced or imported by someone else than 10% by weight of the processed foods he himself produced or imported in the previous calendar year. As soon as his acquisitions for sale or transfer, of processed foods produced or imported by someone else exceed that 10%, within the calendar year, that place shall cease to be a processor establishment as to those stocks, and becomes a wholesale or retail establishment depending upon the nature of his operations there. He must then follow the procedure set forth in Article XII with respect to new businesses.

(2) There is one other case in which a place where a person keeps processed foods produced or imported by someone else is a processor establishment. A person may get processed foods from someone else, to use them in producing other processed foods for sale or transfer. If he keeps the processed foods obtained from someone else only to produce other processed foods, the place where he keeps them is a processor establishment.

(e) *Certain places where processed foods are produced only for own use are not processor establishments.* A place at which a person produces or imports processed foods only for his own use (other than industrial use) and not for sale or transfer is not a processor establishment. (Thus, if he produces processed foods, at a particular place, only for the purpose of using them in serving meals, that place is not a processor establishment.) Also, a place does not become a processor establishment because a person produces home processed foods there, even if he produces them for sale or transfer.

(f) *Person who has processor establishment is a processor.* Any person who has a processor establishment is called a processor.

SEC. 3.2 *Processors must register and file reports—(a) Registration.* Every processor must register with the Office of Price Administration by filing OPA Form R-1305, at any time from March 1, 1943 to March 10, 1943, inclusive. The form must be completed and signed by the

processor or his authorized agent. If he has more than one processor establishment, he must show, for each, its name and address, the type of business done there, and the name of the person authorized to report for it on OPA Form R-1305.

(b) *Reports.* Every processor must file periodic reports, also on OPA Form R-1305, covering the operations of his processor establishment during each reporting period set forth in Appendix B. The report must be signed by him or by his authorized agent. If he has more than one processor establishment, he must file a separate report for each, except that he may combine in a single report all his processor establishments in a single state. The first report which must be filed is for February 1943, and is part of his registration. Reports for subsequent reporting periods must be filed within eight days after the end of the reporting period.

(c) *Some processors need not file reports for reporting periods after February 1943.* A processor who produced and imported less than 10,000 pounds of processed foods during 1942, must register but need not file a report for any reporting period after that covered in his registration. However, if his total production and imports in 1943 reach 10,000 pounds, he must file reports beginning for the reporting period in which that figure was reached.

(d) *Processors must give information called for by form.* The processor must give all information called for by OPA Form R-1305.

(e) *Registration and reports must be filed in Washington.* The processor's registration and periodic reports must be filed by mailing OPA Form R-1305 to the Office of Price Administration, care of the Bureau of the Census, Washington, D. C. The form is considered filed on time if the envelope is postmarked on or before the last day it is due.

(f) *Registration of persons who become processors because of additions to the list of processed foods, or because of changes in the definition of processor and processor establishment.* A person who becomes a processor because the foods he produces are added to the list of processed foods or because of changes in the definition of processor or processor establishment must, within eight days after such addition or change, file a report on OPA Form R-1305 covering his operations during the preceding reporting period. The report must be mailed to the Office of Price Administration, care of the Bureau of the Census, Washington, D. C., and is treated as his registration.

SEC. 3.3 Processor is given a registration number. (a) After a processor has registered, the "Washington Office" will send him a card giving him his registration number. After he gets the registration number, he must use it on each invoice or similar document prepared in connection with any sale or transfer of processed foods from any of his processor establishments.

SEC. 3.4 Processor may not do business if he does not register and file reports. (a) No processor may transfer or acquire processed foods after March 10, 1943, unless he has registered in the manner required.

(b) No processor may transfer or acquire processed foods after any date on which a report is due from him, unless he has filed that report.

SEC. 3.5 Processors must report their inventories. (a) As part of his registration, a processor must report, on OPA Form R-1305, the point value of his inventory of processed foods (by items and sizes) at the close of business on February 28, 1943. His inventory at the beginning and end of each reporting period must then be reported in his report for that period.

(b) A processor's inventory at his processor establishment consists of all processed foods physically located at that establishment or in transit to it. However, the following items are not part of that inventory:

(1) Processed foods stored at the establishment for a person other than his customer or transferee, or held there as security for a loan to someone else (or similar transaction), or in transit to it for either of those purposes;

(2) Processed foods included in the inventory of one of his other establishments.

SEC. 3.6 A processor must turn over the points he receives to the Washington office. (a) A processor is required to turn over to the Washington Office points he receives for sale or transfers of processed foods. However, a processor other than a processor of dried prunes or raisins, may use some of them for the following purposes:

(1) To get back processed foods he transferred; or

(2) To acquire processed foods with which to produce other processed foods; or

(3) To acquire for sale or transfer processed foods produced or imported by someone else, if the place at which he acquires them is a processor establishment as to those stocks, under section 3.1 (d) (1).

A processor of dried prunes or raisins is permitted to use points he receives for sales or transfers of those fruits only to acquire dried prunes or raisins.

(b) A processor must give up to the Office of Price Administration for cancellation, all points he receives for sales or transfers of processed foods. Not later than the eighth day of every reporting period he must issue and mail to the Office of Price Administration, care of the Bureau of the Census, Washington, D. C., his certified ration check (payable to the Office of Price Administration) for all those points he received during the preceding reporting period. A processor who is required to file periodic reports on OPA Form R-1305, must attach his check to the report. A processor who does not have to file reports must send his check in a sealed envelope, enclosing a statement

showing his name, principal business address and registration number.

(c) A processor who used some of those points to acquire processed foods, as permitted in paragraph (a) of this section, must issue and send his check for the rest. He must enclose with his check a statement giving the names and addresses of the persons from whom he acquired the processed foods, the items he acquired, and their point values. If he used the points to acquire processed foods, as permitted in paragraph (a) (3) of this section, he must state, in pounds, the total amount of processed foods he produced or imported during the preceding calendar year and his total acquisitions during the current calendar year, for sale or transfer, of processed foods produced or imported by someone else.

SEC. 3.8 Processors must keep records. (a) Beginning March 1, 1943, every processor must keep, at each of his processor establishments, a record showing, by items and sizes:

(1) All processed foods produced or imported there;

(2) All processed foods sold or transferred to (or reserved for) exempt agencies;

(3) All processed foods used in producing other processed foods; and

(4) All processed foods, produced or imported by someone else, acquired for sale or transfer.

(b) He must also keep, at his principal business office, a copy of his registration and of his periodic reports on OPA Form R-1305 (if any are required). If he has more than one processor establishment, he must keep at each establishment a copy of the report filed for it. (However, if he has filed a combined report for several processor establishments, he must keep copies of the reports at one of them.)

(c) In addition, at the time of any change in the point value of any item of processed foods every processor must make a record of the amount and sizes of that item which he has in his inventory. The record must show the point value of the item before and after the change, and the amount by which the point value of his inventory was increased or decreased as a result. In addition, at the time any item is added to or removed from the list of processed foods, every processor must keep a record of the amount, sizes, and point value of that item which he has in his inventory. If he has more than one processor establishment, he must make and keep such a record at each establishment.

SEC. 3.9 Processors must account for differences between their transfers and the number of points given up to the Office of Price Administration. (a) Every processor must attach to his periodic report on OPA Form R-1305, beginning with the report for March 1943, a statement accounting for all differences between the point value of the processed foods sold or transferred by him during that reporting period, and

Sec. 4.4 Wholesalers must report their inventories. (a) As part of his registration, a wholesaler must report, on OPA Form R-1310, his inventory of processed foods (by items and sizes) at the opening of business on March 1, 1943, and the point value of his inventory of processed foods (by items and sizes) at the close of business on March 31, 1943. If he has more than one wholesale estab-

lishment, his registration must include a report of the total point-value of his inventory at all those establishments. His inventory at the beginning of the next reporting period must then be reported in his report for that period.

(b) A wholesaler's inventory at his wholesale establishment consists of processed foods physically located at that establishment or in transit to it. It includes processed foods which he holds there on consignment. However, the following items are not part of that inventory:

(1) Processed foods stored at the establishment for a person other than his customer or transferee, or held there as security for a loan to someone else (or similar transaction), or in transit to it for either of those purposes;

(2) Processed foods included in the inventory of one of his other establishments.

Sec. 4.5 Wholesalers must report their sales and points on hand. (a) A wholesaler must also report, as part of his registration:

(1) The point value of all processed foods transferred by him during March 1943, not including exchanges of merchandise or transfers from one to another of his wholesale establishments; and

(2) The total number of points which he has available for acquiring processed foods, at the close of business on March 31, 1943. He must include all points which he has on hand, all in his ration bank account and all which he has already given up for processed foods not yet shipped to him. However, he is not to include points he has received for processed foods which he has not yet shipped.

(b) The point value of his transfers during each subsequent reporting period and the total number of points he has at the end of that period for which he can get processed foods must then be reported in his report for that period.

Sec. 4.6 A wholesaler is allowed a maximum inventory—(a) General. For each reporting period every wholesaler is entitled to an operating inventory, called a maximum allowable inventory. This maximum allowable inventory is stated in terms of points, and is based on the point value of his transfers of processed foods during preceding reporting periods.

(b) *Amount of maximum allowable inventory.* A wholesaler's maximum allowable inventory for any reporting period is calculated in the following way:

(1) The point value of his transfers of processed foods during the first three of the four preceding reporting periods is determined. (Exchanges and returns of processed foods, and transfers from one to another of his wholesale establishments, must not be included in this computation.);

(2) That figure is divided by three to arrive at an average for the three periods;

(3) The result is multiplied by a factor which the Office of Price Adminis-

tration will fix for the reporting period in question in a supplement to this order.

(c) *Point inventory.* (1) In order to determine how large a stock of processed foods, measured in points, a wholesaler has and is in a position to get, it is necessary to find out two things:

(i) The point value of his inventory; and

(ii) The number of points he has available for acquiring processed foods, since he can use those points to get additional stocks. These points include all which he has on hand, all in his ration bank account (except those for which ration checks are outstanding), all which he already has given up for processed foods not yet shipped to him, and all which he has not yet received for processed foods he has already shipped. However, points he has received for processed foods which he has not shipped, or points he owes for processed foods already shipped to him, are not included.

(2) The sum of the above two figures, at a particular time, shows the amount of processed foods he has and can get at that time. That sum is called his point inventory. The wholesaler must make this computation at the time of filing his periodic report on OPA Form R-1310.

(d) *When a wholesaler is entitled to receive a certificate.* If a wholesaler's maximum allowable inventory for any reporting period is greater, by at least 10%, than his point inventory at the beginning of the preceding reporting period, he will be issued a "certificate" for the number of points needed to make up the difference. However, during November 1943 a wholesaler who is entitled to receive a certificate under this paragraph will receive one for the number of points which represents the difference between his maximum allowable inventory for the November reporting period and his point inventory on October 30, 1943; or the difference between his maximum allowable inventory for the December reporting period and his point inventory on October 31, 1943, whichever is greater. The certificate will be issued by the "Washington Office" after his report has been checked.

Sec. 4.7 Wholesaler may not acquire processed foods if actual inventory is greater than maximum allowable inventory. (a) A wholesaler must not acquire processed foods at any time when his actual inventory is larger than his maximum allowable inventory. A wholesaler also must not acquire processed foods if it would bring his actual inventory above his maximum allowable inventory. Even if he has points available, he may not use them to get more stock than is needed to bring his actual inventory up to his maximum allowable inventory. However, if he has already given up points for a transfer of processed foods at a time when he was entitled to acquire them, he may take delivery of those foods. Furthermore, regardless of his actual inventory, he may, during a reporting period, acquire processed foods for the purpose of keeping his stocks balanced, in an amount not more than 10%

of the number of points he received for his sales or transfers of processed foods during the period covering April 1 to May 1, 1943, inclusive.

Sec. 4.8 Washington Office may grant working point capital to wholesalers.

(a) For the purpose of providing a wholesaler with enough points with which to acquire processed foods up to the amount of his maximum allowable inventory when that maximum is raised during the height of the packing season, the Washington Office of the Office of Price Administration may issue points to him in anticipation of such an increase. The number of points to be issued for this purpose will be calculated in the following manner:

(1) The point value of the wholesaler's transfers of processed foods during the reporting period covering April 1 to May 1, 1943, inclusive, is determined;

(2) That figure is multiplied by 7 (a number which it is believed will give each wholesaler a working point capital sufficient to provide the points he will need to acquire processed foods up to the amount of his greatest maximum allowable inventory);

(3) From that figure is deducted the wholesaler's point inventory at the close of business on May 1, 1943, (including the number of points the wholesaler owes the Office of Price Administration on account of his March excess inventory) and the point value of any certificates issued to him by the Office of Price Administration to increase his point inventory since May 1, 1943;

(4) To the resulting figure is added the number of points given up to the Office of Price Administration by such wholesaler since May 1, 1943, on account of his March excess inventory.

Sec. 4.9 Wholesaler must keep records. (a) Every wholesaler must keep, at each of his wholesale establishments, a record of the point value of all transfers of processed foods from that establishment during each reporting period. He must also keep, at his principal business office, a copy of his registration and of the reports on OPA Form R-1310 which he filed with it. If he has more than one wholesale establishment, he must keep at each establishment a copy of the reports filed for it. (However, if he has filed a combined report for several wholesale establishments he must keep copies of the reports at one of them, and must also keep a record of the inventory of each at the close of business on March 31, 1943.)

(b) In addition, at the time of any change in the point value of any item of processed foods, every wholesaler must make a record of the amount and sizes of that item which he has in his inventory. The record must show the point value of the item before and after the change, and the amount by which the point value of his inventory was increased or decreased as a result. In addition, at the time any item is added to or removed from the list of processed foods, every wholesaler must keep a record of the amount, sizes, and point value of that

item which he has in his inventory. If he has more than one wholesale establishment, he must make and keep such a record at each establishment.

Sec. 4.10 Inventory adjustments because of additions to the list of processed foods. (a) Whenever an item is added to the list of processed foods at the beginning of a reporting period, a wholesaler's maximum allowable inventory is adjusted in his report for that period in the following way:

(1) The amount of that item which he sold or transferred during the preceding reporting period (less returns of that item made during such period) is multiplied by the point value assigned to that item at the beginning of the current reporting period;

(2) The resulting figure is multiplied by the wholesale factor fixed for the current reporting period in the supplement to this order.

(b) Whenever a wholesaler adjusts his maximum allowable inventory as described in paragraph (a) of this section, he must attach to his report a statement showing:

(1) His inventory of that item at the beginning of the preceding reporting period;

(2) The amount of that item acquired by him during the preceding reporting period; and

(3) His inventory of that item at the end of the preceding reporting period.

ARTICLE V—RETAILERS

Sec. 5.1 Explanation of the terms retailer and retail establishment. (a) Any place, including a public warehouse, where a "person" who deals in "processed foods" keeps stocks of those foods for sale or other "transfer" is a "retail establishment" if more than fifty per cent of those stocks are sold or transferred from there directly to "consumers". It is also a retail establishment, even if the amount sold or transferred to consumers is fifty per cent or less, in the following case:

(1) If some of those stocks are transferred directly to consumers; and

(2) If the rest of those stocks are kept there just to supply his own establishments of any type; and

(3) If no "wholesale establishments", and not more than three retail establishments, are supplied from there.

(A place where a person regularly keeps for sale or transfer only stocks of processed foods which he himself produced or imported is a "processor establishment" and not a retail establishment. Also, a place which is a processor establishment under section 3.1 (d) (1) is not a retail establishment. In addition, this article does not apply, with respect to dried prunes or "raisins", to a dehydrator, grower or "processor" of those fruits, or with respect to dry beans, peas or lentils, to a "country shipper" or "grower".)

(b) Any person dealing in processed foods who has a retail establishment is called a "retailer".

Sec. 5.2 Retailers must get statement of purchases during March 1943. (a)

When a retailer buys or "acquires" processed foods during March 1943, he must get from his seller or transferor a statement showing the name of the seller or transferor, the date of the purchase or acquisition, and the number of points given up for the processed foods.

Sec. 5.3 Retailers must register—(a) General. Every retailer must register his retail establishments with the Office of Price Administration, at any time from April 1, 1943 to April 10, 1943, inclusive, on OPA Form R-1302. The registration form must be completed and signed by the retailer or his authorized agent. He must give all information called for by OPA Form R-1302.

(b) *Place where registration must be filed.* A retailer who has only one retail establishment must file his registration, in person or by mail, with the "board" for the place where that establishment is located. If he has more than one retail establishment, he must file a combined registration for all those establishments, in person or by mail, with the board for the place where his principal business office is located. A person who has a wholesale or a processor establishment, as well as a retail establishment, must file his retailer registration, by mail, with the Office of Price Administration, care of the Bureau of the Census, Washington, D. C.

(c) *Filing by mail.* Where a registration form is filed by mail, it is considered filed on time if the envelope is postmarked on or before April 10, 1943.

(d) *Registration of persons who become retailers because of additions to the list of processed foods.* (1) A person becomes a retailer because foods he keeps for sale or transfer at his establishment are added to the list of processed foods, must, within 10 days after his first full calendar month of operation following such addition, register that establishment, on OPA Form R-1302, in the same way that retailers registered between April 1 and April 10, 1943. He must give all the information called for by the form. However, he must show his sales and transfers of those foods from that establishment during the preceding calendar month, instead of during March 1943, and must report his point inventory at the end of the preceding calendar month, instead of at the end of March 1943. When he registers, he may get a "certificate" or, if he has excess inventory, he must give up points to the Office of Price Administration in the same way as retailers who register between April 1 and April 10, 1943.

(2) If he needs points to acquire stocks before the end of his first full month of operation following such addition to the list of processed foods, he may apply for a certificate to get processed foods. The application shall be made on OPA Form R-315, to the board or the "Washington Office," depending upon where he is required to register. A certificate may be issued to him any time before the end of that month. The number of points which it provides are part of his point inventory at the end of that month.

Sec. 5.4 Retailer may not do business unless he has registered. (a) No re-

tailer may transfer or acquire processed foods after April 10, 1943, unless he has registered in the manner required.

Sec. 5.5 Retailers must report their inventories. (a) As part of his registration, every retailer (except those covered in section 5.7) must report the point value of his inventory of processed foods at the close of business on March 31, 1943. If he has more than one retail establishment, a separate inventory report for each establishment must be filed with his registration.

(b) A retailer's inventory at his retail establishment consists of processed foods physically located at that establishment or in transit to it, and also of processed foods stored, or in transit for storage, for that establishment at any other place (including a public warehouse). It includes processed foods held on consignment. However, the following items are not part of that inventory:

(1) Processed foods stored at the establishment for a person other than his customer or transferee, or held there as security for a loan to someone else (or similar transaction), or in transit to it for either of those purposes;

(2) Processed foods still in the possession of his seller or transferor;

(3) Processed foods included in the inventory of one of his other establishments.

Sec. 5.6 Retailers must report their sales and points on hand. (a) Every retailer (except those covered by section 5.7) must also report, as part of his registration:

(1) The point value of all processed foods transferred by him during March 1943, not including exchanges of merchandise or transfers from one to another of his retail establishments; and

(2) The total number of points which he has available for acquiring processed foods, at the close of business on March 31, 1943. He must include all points which he has on hand, all in his ration bank account (if any) and all which he has already given up for processed foods not yet shipped to him. However, he is not to include points he has received for processed foods which he has not yet shipped.

(b) He must attach to and file with his registration, a statement showing each of his purchases or other acquisitions of processed foods during March 1943, the name and address of his seller or transferor, and the points he gave up for each purchase or other acquisition.

Sec. 5.7 Certain retailers need not report inventory and other information.

(a) A retailer whose gross sales of all commodities during March 1943 were \$200 or less must register on OPA Form R-1302, but need not report his inventory, sales or transfers, and points on hand. However, if he elects not to report this information, he will have to operate on the basis of turnover of the stocks he has, and he will not be eligible, when he registers, to receive a certificate enabling him to increase his working stocks.

Sec. 5.8 A retailer is given an allowable inventory—(a) General. Every retailer (except those who elect not to

report, as permitted by section 5.7) is entitled to an operating inventory, called an allowable inventory, which is based on his transfers of processed foods during March 1943. This allowable inventory is stated in terms of points.

(b) *Amount of allowable inventory.* To get a retailer's allowable inventory the point value of all processed foods transferred from his retail establishments during March 1943, is multiplied by a factor fixed by the Office of Price Administration in a supplement to this order. The result is his allowable inventory. Exchanges of processed foods, and transfers from one to another of his retail establishments, must not be included in this computation.

(c) *Point inventory.* (1) In order to determine how large a stock of processed foods, measured in points, a retailer has and is in a position to get, it is necessary to find out two things:

(i) The point value of his inventory; and

(ii) The number of points which he has available for acquiring processed foods, since he can use those points to get additional stocks. These points include all which he has on hand, all in his ration bank account, if any (except those for which ration checks are outstanding), all which he has already given up for processed foods not yet shipped to him, and all which he has not yet received for processed foods he has already shipped. However, points he has received for processed foods which he has not yet shipped, or points he owes for processed foods already shipped to him, are not included.

(2) The sum of the above two figures, at the close of business on March 31, 1943, shows the amount of processed foods he has and can get at that time. That sum is called his point inventory. The retailer makes this computation at the time of filing his registration on OPA Form R-1302.

(d) *When a retailer is entitled to a certificate.* If a retailer's point inventory at the close of business on March 31, 1943, is less than his allowable inventory, he is entitled to receive a certificate for the number of points needed to make up the difference. The certificate will be issued by the board with which he registers, or by the Washington Office, if he is required to register with that office.

(e) *What a retailer must do if he has excess inventory.* If a retailer's point inventory at the close of business on March 31, 1943, is greater than his allowable inventory, the difference is excess inventory. He must, in that case, give up to the Office of Price Administration, for cancellation, points equal to his excess inventory. Points for that amount must be forwarded with his registration. If he does not have a ration bank account, he may give up the points in any form. If he has a ration bank account, he must give up the points in the form of a certified check drawn on that account, made payable to the Office of Price Administration. A retailer who does not have enough points at the

time of registration must, within one week after the last day of each calendar month (beginning with the month of December 1943), give up to the board with which he is registered (or to the Washington Office, if he is registered there) the points which he has on hand and in his ration bank account at the end of that month, until he has, in this way, given up points equal to his excess inventory. He may, however, keep points equal to 25% of the number of points he received for his sales or transfers of processed foods during March 1943, or, if March 1943 is not the period used for establishing his allowable inventory, then during the month which has been used as such base. (Points for which ration checks are outstanding, points owed for acquisitions of processed foods during such month, and points owed for under-deliveries of such foods are not considered points which he has "on hand".) However, until he has given up points equal to his excess inventory, he may not acquire during any one calendar month processed foods having a point value of more than 25 percent of the number of points he received for his sales or transfers of processed foods during March 1943.

SEC. 5.10 *Retailers must keep records.* (a) Every retailer must keep a copy of his registration, at his principal business office. If he has more than one retail establishment, he must keep at each establishment a copy of the inventory report filed for it.

(b) He must also keep, at his principal business office, the statements from his suppliers showing their sales or transfers to him during March 1943.

(c) In addition, at the time of any change in the point value of any item of processed foods, after March 31, 1943, every retailer must make a record of the amount and sizes of that item which he has in his inventory. The record must show the point value of the item before and after the change, and the amount by which the point value of his inventory was increased or decreased as a result. In addition, at the time any item is added to or removed from the list of processed foods, every retailer must keep a record of the amounts, sizes, and point value of that item which he has in his inventory. If he has more than one retail establishment, he must make and keep such a record at each establishment.

SEC. 5.11 *Retailers must post point prices.* (a) Beginning March 1, 1943, every retailer must post the current Official Table of Point Values (OPA Form R-1313) in his retail establishment in such manner that it can be plainly seen and read by purchasers.

(b) Every retailer who has an establishment at which the processed foods he carries are displayed to consumers must post there the point value of every item of processed foods he carries. The point value must be posted, in such manner that it can be plainly seen and read by consumers, in one or more of the following ways:

- (1) On the commodity itself; or
- (2) On the shelf or other place where the commodity is kept; or

(3) On a list attached to, or posted next, to the shelf or other place where the commodity is kept.

(c) When a change is made in the point value of any processed food, a retailer is allowed one full business day after the change becomes effective in which to correct the point values which he has posted in compliance with paragraph (b) of this section.

ARTICLE VI—INDUSTRIAL USERS

SEC. 6.1 *Explanation of the terms industrial user and industrial user establishment.* (a) An "industrial user establishment" is any place at which "processed foods" are used in producing or manufacturing for sale or "transfer" any product which is not a processed food. (For example, a bakery at which canned peaches are used in baking peach pies, for sale or transfer, is an industrial user establishment. Canned peaches are processed foods, but peach pie is not.) A place at which processed foods are used in producing other processed foods is a "processor establishment" and not an industrial user establishment. (An example of this would be the use of canned peaches for making canned fruit salad since both canned peaches and canned fruit salad are processed foods.) Moreover, a place, such as a restaurant, at which processed foods are used in the preparation for service and the service of meals, would be an "institutional user establishment", and not an industrial user establishment. (An "institutional user" may obtain processed foods allotments, and may use processed foods, only in accordance with the provisions of General Ration Order 5.) It also includes any place (except a place where processed foods are used for sampling or demonstration in accordance with section 10.9 or a place where processed foods are used only for demonstration purposes under the direction of the Department of Agriculture or the Extension Service of the Department of Agriculture) at which processed foods are used for experimental, educational, testing, or demonstration purposes.

(b) Any "person" who operates an industrial user establishment is called an "industrial user".

(c) A person who marks or labels dry beans, peas or lentils in accordance with applicable Federal or State seed laws (or, if none is applicable, in accordance with the standards stated in the Federal seed law), for sale or transfer as seed, does not thereby become an industrial user.

SEC. 6.2 *Industrial users must register.* (a) *General.* Every industrial user must register his industrial user establishment with the Office of Price Administration, at any time from March 1, 1943 to March 10, 1943, inclusive, on OPA Form R-1308, in duplicate. The registration form must be completed and signed by the industrial user or his authorized agent.

(b) *Re-registration between December 15, 1943 and January 5, 1944.* Every industrial user who is registered under this order on December 14, 1943, must re-register his industrial user establishment

by filing OPA Form R-1200 at any time from December 15, 1943 to January 5, 1944, inclusive, in accordance with General Ration Order 16.

(c) *Industrial user must register all his establishments separately or as a unit.* An industrial user who has more than one industrial user establishment, must either register each establishment separately or all of them together. If he has more than one industrial user establishment, and registers them separately, each of those establishments must be treated and operated separately for all purposes of this order just as though the establishments were owned by different persons. If he registers them together, they must be treated as a unit for all purposes of this order. "An industrial user who has more than one establishment which he registered together on OPA Form R-1308 may register all his establishments together or each separately when he re-registers them on OPA Form R-1200.

(d) *Industrial users must register with the board.* Each industrial user must register with the "board" for the place where his industrial user establishment is located. If he has more than one industrial user establishment and registers them together, the registration form must be filed with the board for the place where his principal business office is located. If he has more than one such industrial user establishment and registers them separately, the registration form for each must be filed with the board for the place where it is located.

(e) *Allocation of inventory and unused allotments.* An industrial user who has more than one industrial user establishment which he registers separately on OPA Form R-1200, may allocate any unused part of his prior allotments and the inventory of processed foods which he has on the date of his re-registration among his various industrial user establishments as he wishes.

SEC. 6.3 Industrial user may not do business unless he has registered: (a) No industrial user may "acquire" or use processed foods at his industrial user establishment, after March 10, 1943, unless he has registered as required.

(b) No industrial user may acquire or use processed foods at his industrial user establishment after January 5, 1944 until he has re-registered as required by General Ration Order 16.

SEC. 6.4 Industrial users must report their inventories. (a) As part of his registration, on OPA Form R-1308, an industrial user must report the point value of his inventory of processed foods (by items) at the close of business on February 28, 1943. If he has more than one industrial user establishment, a separate inventory report for each establishment must be filed with his registration, on OPA Form R-1308.

(b) His industrial user inventory consists of all processed foods included in the inventory of his industrial user establishments. The inventory of an industrial user establishment consists of all processed foods physically located at the establishment or in transit to it.

However, the following items are not part of that inventory:

(1) Processed foods stored at the establishment for another person, or held there as security for a loan to someone else (or similar transaction), or in transit to it for either of those purposes;

(2) Processed foods included in the inventory of any of his other establishments of any type.

(c) His industrial user inventory also includes all processed foods which he holds at, or which are in transit to, any other place for his "industrial use." However, processed foods included in the inventory of any establishment which is not an industrial user establishment must not be reported as part of his industrial user inventory.

(d) In addition, within 20 days of the date on which any item is added to the list of processed foods, every industrial user must report to the board with which he is registered, his inventory of that item, in pounds and point value, as of the date on which it becomes a processed food. His inventory of that item shall be treated as excess inventory. He may at the same time apply for an increase in his allotment (for the allotment period in which such item is added to the list of processed foods) by reason of that addition, in accordance with section 6.7 of this order.

SEC. 6.5 Industrial users must report their base-period use. (a) As part of his registration on OPA Form R-1200, an industrial user must report the number of pounds of processed foods he used in his industrial user establishment during 1942. The report must show the amount he used during each of the following quarters in 1942, called base periods:

- (1) January to March, inclusive;
- (2) April to June, inclusive;
- (3) July to September, inclusive;
- (4) October to December, inclusive.

(b) The report must show his use during those periods, of each of the following classes of processed foods:

- (1) Fruits;
 - (i) Canned and bottled,
 - (ii) Frozen,
 - (iii) Dried and dehydrated.
- (2) Vegetables;
 - (i) Canned and bottled,
 - (ii) Frozen.
- (3) Miscellaneous;
 - (i) Dry beans,
 - (ii) "Jams", "jellies", "marmalades", "preserves" and "fruit butters".

In addition, the report must show his use, during those periods, of fruit and vegetable juices in containers over one gallon.

(c) He must include, in his report of his base-period use, any adjustments in that use authorized by the Office of Price Administration.

(d) If an industrial user establishment was not in operation for a full quarter, his industrial use of processed foods during that quarter is fixed, for all the purposes of this order, in the following way:

(1) If the establishment was in operation during a part of the quarter:

(i) The amount of such foods used by him at his industrial user establishment

during that part of the quarter is determined;

(ii) That amount is divided by the number of days the establishment was in operation during the quarter;

(iii) The result is multiplied by the number of days the establishment would have been operated during the quarter, if it had been a normal period of operations;

(iv) The resulting figure is treated as the amount so used during the quarter.

(2) If the establishment was not in operation at all during the quarter but was in operation in any other part of 1942:

(i) The amount of such foods used by him at his industrial user establishment during all of 1942 is determined;

(ii) That amount is divided by the number of days the establishment was in operation during 1942;

(iii) The result is multiplied by the number of days the establishment would have been operated during the quarter, if it had been a normal period of operations;

(iv) The resulting figure is treated as the amount so used during the quarter.

(3) If the establishment was not in operation at all during 1942, but was in operation at some time between January 1, 1943 and February 28, 1943, inclusive:

(i) The amount of processed foods used by him at his industrial user establishment between January 1, 1943 and February 28, 1943, inclusive, is determined;

(ii) That amount is divided by the number of days the establishment was in operation between January 1, 1943 and February 28, 1943, inclusive;

(iii) The result is multiplied by the number of days the establishment would have been operated during the quarter, if it had been a normal period of operations;

(iv) The resulting figure is treated as the amount used during the quarter. (If the establishment of an industrial user was not in operation at any time from January 1, 1942 to February 28, 1943, inclusive, he is treated as a new industrial user as to that establishment and must apply for permission to register as a new industrial user under the provisions of this order.)

(e) The rules set forth under (1) and (2) of paragraph (d) of this section do not apply where an industrial user's establishment was not in operation during all or part of a quarter because of a normal seasonal shutdown or for any similar reason. Where that is so, it is assumed that conditions will be the same during the corresponding period in 1944.

(f) An industrial user must exclude the following from his base-period use reported on OPA Form R-1200:

(1) His use of processed foods for demonstration purposes, when such use was under the direction of the Department of Agriculture or the Extension Service of the Department of Agriculture;

(2) His use of any item of processed foods having a zero point value at the time he applies for his allotment.

SEC. 6.6 Industrial users' allotments—
 (a) *General.* An industrial user is given an allotment to enable him to get and use processed foods at his industrial user establishment. Allotments are given for fixed periods called allotment periods. The first allotment period for 1944, is from January 1 through March 31, 1944. The second period is from April 1 through June 30, 1944. The third period is from July 1 through September 30, 1944. The fourth period is from October 1 through December 31, 1944.

(b) *Application for allotments.* After December 14, 1943, no industrial user may apply for or receive any allotment for any 1943 allotment period. An industrial user's re-registration on OPA Form R-1200 is treated as an application for an allotment for the first allotment period of 1944. His application for an allotment for any other allotment period must be made, in person or by mail, to the board with which he is registered. No particular form need be used for such an application. The application must be made not more than fifteen days before, nor more than five days after, the beginning of the period. The board may permit the application to be made at any time during the month preceding an allotment period under such circumstances as the "Washington Office" may direct. The board, in its discretion, may also permit an application to be made at any time within the allotment period. However, if it is made more than five days after the beginning of the period, the industrial user's allotment shall be reduced in proportion to the part of the allotment period which has elapsed at the time he applies for the allotment.

Note: An industrial user is permitted to use processed foods only up to the amount of his allotment. He may therefore, need an allotment even if his stocks are sufficient, since his allotment establishes his right to use processed foods—it is not just a method by which he gets them.

(c) *Amount of allotment.* An industrial user's allotment is determined on the basis of his total use of processed foods at his industrial user establishment during the quarterly period in 1942 corresponding to the allotment period. The amount of each class of processed foods (set forth in section 6.5 (b)) used by him during the corresponding quarter of 1942 for the classes of products or uses listed by him on Schedule I of OPA Form R-1200, is multiplied by a factor fixed in a supplement to this order for that class of processed foods and for that class of product or use. The numbers which result are added, and the total is his allotment, stated in points. (The factor is fixed in such a way that it gives an allotment which fairly represents both the average point value of the processed foods used and the reduction in use required as a result of the scarcity of processed foods.)

(d) *Right to a certificate; excess inventory.* (1) An industrial user is entitled to get and use processed foods up to the amount of his allotment. He is, therefore, given a "certificate" for the

number of points he needs in order to get that amount. However, if he had stocks on hand, on February 28, 1943, when rationing of processed foods began, he could use them for his allotment and therefore needed fewer points. For that reason, the point value of his inventory at the close of business on February 28, 1943, was deducted from his allotments. (The method of determining his inventory at the close of business on February 28, 1943, is covered by section 6.4.) If the point value of an industrial user's inventory on February 28, 1943, was less than his first allotment, he was entitled to get, from the board with which he registered, a certificate for the number of points needed to make up the difference. If the point value of his inventory was greater than his first allotment, the difference was excess inventory. In that case, he was not entitled to receive a certificate for the first allotment period, nor for any subsequent allotment period until the total of his subsequent allotments exceeded his excess inventory.

(2) If an industrial user has or is chargeable with any excess inventory at the time he re-registers on OPA Form R-1200, that excess must be entered on the form at the time he re-registers his industrial user establishment. If he has more than one such establishment and registers them separately, he may allocate such excess inventory among them in any way he wishes. However, if an industrial user has more than one establishment which he re-registers separately, he must file with the board for the place where his principal business office is located, a statement of his total excess inventory of processed foods and the amount allocated to each of his establishments. The statement must be signed by the industrial user or his authorized agent.

(3) If the point value of an industrial user's excess inventory is less than his allotment for the first allotment period of 1944, he is entitled to get, from the board with which he re-registers, a certificate for the number of points needed to make up the difference. If the point value of such excess inventory is greater than his allotment for the first allotment period of 1944, he is not entitled to get a certificate for that allotment period. He is not entitled to get a certificate until the total of his subsequent allotments exceeds his excess inventory.

(e) *Issuance of certificates.* Only one certificate will be issued by the board, for the full number of points to which an industrial user is entitled during any allotment period, except that if he has more than one industrial user establishment and has registered them separately, he is to get a separate certificate for each, since separately registered establishments are treated separately.

(f) *Report of processed foods acquired point-free or at reduced point values.* An industrial user who, between March 1 and October 4, 1943, inclusive, produced processed foods, or, at any time after February 28, 1943, acquired processed foods without giving up points, and who is not required by any other provision

of this order to account for or turn over to the Office of Price Administration points for the point value of the processed foods so produced or acquired, must report such production and acquisition and the amount produced or acquired when applying for his next allotment. The processed foods so produced or acquired shall be treated as excess inventory. An industrial user must also report, when applying for his allotment, the amount and point value of processed foods acquired by him during the preceding allotment period at a reduced point value under the provisions of section 9.11.

(g) *Accounting for errors.* If an industrial user receives an allotment larger than he is entitled to receive, as a result of an error, omission, or mistake made in his application or by his board, or by any other office of the Office of Price Administration, the amount of the excess shall be treated as excess inventory.

(h) *Industrial users who have unbalanced stocks.* If an industrial user is not entitled to receive a certificate because he has excess inventory, but finds that he does not have an adequate stock of a particular kind of processed foods, he may apply, on OPA Form R-315, to the board with which he is registered for a certificate to enable him to get that kind. The application must show the kind and amount of food which he needs and the reasons he needs it. If the board finds that he does not have an adequate stock of the particular food, it may issue to him a certificate for the number of points needed, up to one third of his allotment for that period. The points so issued must be treated as excess inventory. The granting of the application shall not be treated as an increase in his allotment. The board may grant only one such application for an industrial user.

(i) *Industrial users may apply for points with which to make advance purchases of frozen foods.* An industrial user may apply at any time before August 15, 1943 for points with which to acquire, in advance, frozen processed foods. The application must be made on OPA Form R-315 to the board with which he is registered and must state the amount of frozen processed foods he wishes to acquire under this paragraph. The board may issue a certificate to the applicant. However, the number of points issued must not exceed an amount computed in the following way:

(1) Determine the total number of pounds of frozen processed foods which the applicant used from September 1 through December 31, 1942, inclusive, and from January 1 through April 30, 1942, inclusive;

(2) Multiply that number by 2.4;

(3) Deduct the amount of his excess inventory.

The points so issued must then be treated as excess inventory. One half of the points so issued must be deducted from any certificate issued to

the applicant for the third allotment period of 1943 and the balance must be deducted from any certificate issued to him for the first allotment period of 1944.

Sec. 6.7 Registration after March 10, 1943—(a) Registration of persons whose use of processed foods becomes an industrial use because of changes in the list of processed foods. (1) Any person who becomes an industrial user, or whose use of certain foods becomes an industrial use, because the foods he uses in his operations are added to the list of processed foods (or because he uses processed foods in making products which were removed from the list of processed foods) must register his use of those foods with the Office of Price Administration within 20 days after his use of the foods in question becomes an industrial use of processed foods.

(i) If he is not already registered as an industrial user under this or any other food ration order of the Office of Price Administration, he must register his industrial user establishment by filing OPA Form R-1200, in duplicate, with the board for the place where his establishment is located. If he has more than one such industrial user establishment he must either register each establishment separately on a separate form or he must register all of them together on a single form. If he has more than one such establishment and registers them together, the registration form must be filed in person or by mail with the board for the place where his principal business office is located. If he has more than one such industrial user establishment and registers them separately, the registration form for each must be filed with the board for the place where it is located.

(ii) If he is already registered under any other food ration order he may register as an industrial user under this order by amending his registration on OPA Form R-1200 to show his use of processed foods.

(iii) If he is already registered as an industrial user under this order he must amend his registration, on OPA Form R-1200, to show his use of the foods in question.

(2) He must give all the information called for by the form with respect to his use of the foods in question. In addition, he must attach to the form a statement showing the point value of his inventory of those foods as of the time his use of them became an industrial use.

(i) An industrial user who used the foods in question in his operations before March 1, 1943, must show on his registration his base-period use of those foods. If he did not use those foods in his operations during all of 1942, he may compute his use of those foods during each quarter in the way described in section 6.5 (d) and (e). If the board finds that he used those foods in his operations before March 1, 1943, it shall grant him an allotment for the allotment period in which he registers (or amends his registration) reduced in proportion to the

portion of the allotment period which has elapsed at the time he registers (or amends his registration).

(ii) An industrial user who is unable to establish a base-period use because he did not use the foods in question in his operations before March 1, 1943, must apply on OPA Form R-315 to the board with which he is registering for the assignment of a base-period use. His application must show:

(a) The product the applicant makes;
(b) The size of the establishment;
(c) The amount invested in it;
(d) The market supplied;
(e) The date on which he started to use the foods in question;

(f) His inventory of those foods;
(g) The amount and kinds of foods used since he began operations;

(h) The amount of base-period use requested; and

(i) That he became an industrial user because the foods he uses in his operations were added to the list of processed foods (or because he uses processed foods in making a product which was removed from the list of processed foods).

The board may not pass on the application for the assignment of a base-period use but must forward it, together with all information received, to the district office. The board may attach its recommendation, if any, as to the action to be taken. If the district office finds that the applicant became an industrial user, or that his use of the foods in question became an industrial use, because the foods he uses in his operations were added to the list of processed foods (or because he uses processed foods in making a product which was removed from the list of processed foods) it shall assign to him a base-period use of those foods. The board shall grant the applicant an allotment on the basis of such assigned base-period use reduced in proportion to the portion of the allotment period which has elapsed at the time of his application.

(b) **Late registration.** (1) The board may permit an industrial user who failed to register at the time required, to register and apply for an allotment at a later date. In his registration, he must report his inventory of processed foods as of the first day of the period in which he was required to register.

(2) His allotment is computed in the same way as that of an industrial user who registered on time. However, he must not acquire or use processed foods at his industrial user establishment until he registers, and the amount of his allotment shall be reduced in proportion to the part of the allotment period which has elapsed at the time he registers. In addition, he may not receive any allotment for expired allotment period.

Sec. 6.8 Restrictions on use of processed foods by industrial users. (a) No industrial user may use for any purpose except an industrial use, processed foods which are included in his inventory or which he acquired with points he received as an industrial user.

(b) No industrial user may use, during an allotment period, more processed foods than his allotment for that period plus any unused part of his allotments for earlier periods. He may also use processed foods up to the amount of an allotment for any future period, at any time after he has been granted that allotment. However, if he uses any part of that allotment prior to the beginning of the period for which it was granted, he shall, for purposes of this paragraph, be considered to have used it in the period for which it was granted.

(c) After December 31, 1943, no industrial user may use processed foods to make a product or use not included in a class of products or uses checked by him on Schedule I of OPA Form R-1260. Furthermore, after December 31, 1943, no industrial user may use, to make any class of product or use, more processed foods than the part of his allotment representing his base-period use of processed foods for that class, as shown on OPA Form R-1200.

(d) Processed foods acquired by an industrial user at less than their full point value under section 9.11 shall, for all the purposes of this article, be considered to have the point value at which he acquired them.

(e) The restrictions imposed by this section on an industrial user's use of processed foods do not apply to items of processed food having a zero point value.

Sec. 6.9 Industrial users must keep records. (a) Every industrial user must keep a copy of his registration on OPA Form R-1308 and on OPA Form R-1200. He must also keep a record of his inventory at the close of business on February 28, 1943. If he has more than one industrial user establishment which he registers together, these records must be kept at his principal business office; otherwise, they must be kept at the establishment covered by them. He must also preserve his records showing his use of processed foods during the period for which he reported in his registration.

(b) In addition, each industrial user must keep, at the same place, a record of the amount of processed foods he acquires and the date of acquisition, and the amount of processed foods used at his industrial user establishment during each allotment period. He must also keep there a record of the amount of the following items used by him:

(1) Fruit and vegetable juices in containers over 1 gallon.

Sec. 6.10 Users of dried or dehydrated fruits which are not processed foods are governed by special rules. Any person who uses dried or dehydrated fruits, whether or not they are processed foods, in producing or manufacturing for sale or transfer any product which is not a processed food, is an industrial user. He must register under the provisions of this order in the same manner as any other industrial user. He shall include, in his registration, his use of dried or dehydrated fruits of any kind during each base period, and the board shall include that use in computing his allotment.

However, he shall not include dried or dehydrated fruits other than dried prunes or raisins in reporting his inventory.

ARTICLE VII—COMBINED OPERATIONS AND COMBINED ESTABLISHMENTS

SEC. 7.1 *A person who operates different types of establishments is treated as if he were different persons.* (a) (1) The same "person" may operate different kinds of establishments. He may have, for example, both a "wholesale establishment" and a "retail establishment." For the purposes of this order, he is both a "wholesaler" and a "retailer", since he has establishments of both kinds. The provisions of this order dealing with retailers apply to him as far as the operation of his retail establishment is concerned. The operation of his wholesale establishment is regarded as separate and is governed by the provisions dealing with wholesalers. Thus, he is treated as if he were two persons.

(2) This rule also applies to the way in which a person who is both a wholesaler and a retailer must handle the points he gets in connection with his wholesale and his retail establishment. The only points he may use as a retailer are those he gets in connection with his retail establishment. If he "transfers" "processed foods" from his wholesale establishment to his retail establishment, points he has as a retailer must be given up. When those points are given up to his wholesale establishment, they become points he has as a wholesaler. Points he has as a retailer must be kept and handled separately from the points he has as a wholesaler.

(3) The same rules apply to a person who has other types of establishments, such as "processor" or "industrial user establishments".

(b) Where a person has establishments of more than one kind, he must operate them as if each separate kind belonged to a separate person, as far as the provisions of this order are concerned. All dealings between establishments of different kinds operated by the same person are treated just as if those establishments were operated by different persons.

SEC. 7.2 *The same person may be both a wholesaler or retailer and industrial user at the same place.* (a) A person may keep stocks of processed foods at a place for sale or other transfer and may also use processed foods at that place for the production of some commodity other than processed foods. (For example, he may sell canned peaches at a particular place and may also operate a bakery there and use canned peaches in baking pies.) In a case of this type, the place is treated as two establishments. If processed foods are sold or transferred from there, it may be a retailer or a wholesale establishment, depending upon the facts. It would also be an industrial user establishment, since processed foods are used there in baking pies for sale.

(b) A place of the type described in the last paragraph must be registered

as a retail or wholesale establishment, depending upon which it is. Its sales or transfers of processed foods and its stocks held for sale or transfer must be included in that registration. It must also be registered as an industrial user establishment, and its stocks held for such use must be included in the industrial user registration.

SEC. 7.3 *The same person may be both a wholesaler or retailer and an institutional user at the same place.* (a) If, in the case described in the last section, the person operated a restaurant at that place as well as (or instead of) a bakery, it would also be an "institutional user establishment" (Restaurants are covered by General Ration Order 5 and are called "institutional users" in that order.) A place of that type must be registered under General Ration Order 5. Its restaurant activities and its stocks of processed foods held for restaurant use must be included in that registration.

SEC. 7.4 *The same person may be both a processor and a wholesaler or retailer at the same place.* (a) A person may produce or import processed foods at a particular place, for sale or transfer. He may also regularly keep at that place, for sale or transfer, processed foods which he did not produce or import, but which he acquired from someone else. In such a case, that place is a processor establishment, since he produced or imported processed foods there. It may also be a retail or wholesale establishment, depending upon the facts, since he regularly keeps there, for sale or transfer, processed foods which someone else produced or imported. (This does not apply if the place where he keeps, for sale or transfer, processed foods produced or imported by someone else is a processor establishment as to those stocks, under section 3.1 (d) (1). In such a case, the place is not a wholesale or retail establishment.)

(b) A place of the type described in the last paragraph must be registered as a processor establishment. It must also be registered as a wholesale or retail establishment, depending upon which it is. Its production and imports, and its stocks and shipments of processed foods produced or imported there, must be included in the processor report. Stocks which were produced or imported by someone else, and the sales or transfers of those stocks, must be included in the wholesaler or retailer report. (However, stocks of processed foods kept there for producing other processed foods must be included in the processor report.)

SEC. 7.5 *The same place may be more than one establishment.* (a) The situations described in the last three sections are examples of the rule that the same place may be more than one establishment, depending upon the type of business or operations carried on there. Wherever the operations at a place are such that it is more than one establishment, it is treated just as if each of

those establishments were located at a different place.

(b) No place can, however, be both a retail and a wholesale establishment of the same person. Under the definitions of retail and wholesale establishments, the place may be one or the other, but not both.

(c) The word establishment, as it is used in this order, covers the operation at a place, as well as the place itself. Where a person such as a wholesaler or a retailer does not operate from any fixed place, his wholesale or retail operations as a whole are regarded as an establishment. Similarly, if a person who deals in processed foods and makes sales or transfers of them does not actually keep processed foods at any particular place, his operations as a whole are regarded as his establishment, and he may register as a wholesaler or a retailer, depending on the class of persons to whom he makes transfers.

ARTICLE VIII—RATION BANK ACCOUNTS

SEC. 8.1 *A ration bank account is an account in which points are deposited.*

(a) A ration bank account is a bank account very much like an ordinary checking account. A "person" who opens a ration bank account deposits in it points he receives, and issues checks drawn on it for points he uses. These checks are called ration checks. (The general rules for the opening, closing and use of ration bank accounts are covered by General Ration Order 3A.)

SEC. 8.2 *Who must open a ration bank account—(a) Processors.* Every "processor" must open at least one ration bank account for all his "processor establishments". If he has more than one processor establishment he may open a separate account for each or for any group of them, and he may, if he wishes, open one more account than he has processor establishments.

(b) *Wholesalers.* Every "wholesaler" must open at least one ration bank account for all his "wholesale establishments". If he has more than one wholesale establishment he may open a separate account for each or for any group of them, and he may, if he wishes, open one more account than he has wholesale establishments.

(c) *Retailers.* Every "retailer" whose gross sales of all foods during the month of December 1942, or during any single calendar month since December 1942, were more than \$2,500.00, and every retailer who has more than one "retail establishment", must open at least one ration bank account for all his retail establishments. If he has more than one retail establishment he may open a separate account for each or for any group of them, and he may, if he wishes, open one more account than he has retail establishments. Also, any retailer who receives points ("stamps," "certificates," or endorsed ration checks) from, and makes transfers to, "consumers" by mail must have a ration bank account. Any other retailer may open an account for

his retail establishment if he had a processed foods ration bank account on April 16, 1943, or has a ration bank account for any other rationed food. (A bank is not required to open or maintain such accounts; but if it does so, it must open or maintain them for any such retailer who applies.) No other retailer may open an account.

(d) *Industrial users.* (1) Every industrial user who has, or has assigned to him, a quarterly-period use of 2,000 pounds or more of processed foods during any quarterly period from January 1, 1942 on, may open an account. If he has more than one industrial user establishment and they are registered together, he may open an account if the combined use at all those establishments is 2,000 pounds or more during any quarterly period. If he opens an account, he may either open one account for all, or a separate account for any establishment or for any group of them which used 2,000 pounds or more during any quarterly period, but all must have an account. If they are registered separately, he may open accounts only for those establishments which have a quarterly period use of 2,000 pounds or more. He may open separate accounts for any one or more of those establishments without opening accounts for the others. However, he may not use the same account for more than one establishment. Any industrial user who has opened a ration bank account and who is not entitled to have it under this section, as amended, must close that account on or before January 15, 1944. Such an industrial user who has not reduced his account to zero on or before such date, may draw a check to the Office of Price Administration for the balance in his account, less outstanding checks, and have it certified on or before January 15, 1944. He may exchange such certified check, at his board, for a certificate equal in point value to the amount of the check.

(2) Any industrial user who has more than one establishment and registers those establishments on OPA Form R-1200 in a way different from that in which they were previously registered on OPA Form R-1308 (by registering two or more establishments separately when they were previously registered together) must make the appropriate changes in the designation of the establishments served by any ration bank accounts which he has opened. He shall also close any account that is no longer needed. Where an industrial user changes the establishments which are served by an account and it is necessary that he use some or all of the points in that account for an establishment that will no longer be served by the account, he may issue, on or before January 15, 1944, the necessary checks to withdraw such points from the account, and may deposit them in the account which will serve the establishment for which he wishes to use the points, or if he has no account for such establishment, he may use the checks to obtain processed foods for such establishment. Any industrial user who closes

an account under this section may (after notifying the district office in the way provided in General Ration Order 3A) on or before January 15, 1944, draw a check to the Office of Price Administration for the balance in his account, less outstanding checks, and have it certified on or before January 15, 1944. He may exchange such certified check at his board for a certificate equal in point value to the amount of the check.

(e) *Institutional users.* The opening of ration bank accounts by "Institutional users" is covered by General Ration Order 5.

(f) *Application for additional accounts.* Any processor, wholesaler, or retailer who wishes to open more ration bank accounts than the number permitted by this section, may apply on OPA Form R-315 to the "Washington Office" for authority to open further ration bank accounts. He must state in his application all the facts which he claims show his need for additional ration bank accounts.

(g) *Washington Office may open accounts.* The Washington Office of the Office of Price Administration may open one or more ration bank accounts and it may issue ration checks instead of certificates to persons entitled to receive points under the provisions of this order. Wherever this order provides that the Washington Office shall issue a certificate, it may, in its discretion, issue a ration check instead.

(h) *Certain airplane operators.* An airplane operator who has been allowed an operating inventory under section 21.4 of General Ration Order 5 may open one ration bank account for each of his offices at which he regularly purchases processed foods for use as planes' stores.

Sec. 8.3 *All points must be deposited in the account.* (a) Every processor, wholesaler, retailer, or industrial user, who has a ration bank account, must deposit in his account all points he receives, whether in the form of stamps, certificates or ration checks.

Sec. 8.4 *When points must be deposited—(a) Stamps.* A person who has a ration bank account may not deposit stamps later than one month and ten days after the last date on which they were good for use by a consumer. (The periods during which particular stamps are good for use by consumers are fixed in the supplement to this order.) If the last day on which the stamps were good for use by a consumer is not the last day of a calendar month and the next calendar month has a day which corresponds thereto, then a "months", as used in this paragraph, is the period from the last day on which the stamps were good for use by a consumer to and including the corresponding day of the next calendar month; otherwise it is the

period from the last day on which the stamps were good for use by a consumer to and including the last day of the next calendar month.

(b) *Certificates.* He may not deposit a certificate later than 20 days after the date which appears on it. (The fact that the certificate may have passed through several hands before reaching him does not give him any more time to deposit it.) Ration coupons may be deposited at any time.

(c) *Effect of failure to deposit stamps or certificates.* A stamp or certificate which was not deposited on time is not good, and may not be used or accepted for any purpose.

(d) *Ration checks.* Ration checks may be deposited at any time.

ARTICLE IX—SALES AND TRANSFERS OF PROCESSED FOODS

Sec. 9.1 *No transfers may be made to certain persons between certain dates.*

(a) From February 21, 1943 to February 28, 1943, inclusive, no "person" may sell or "transfer" "processed foods" to a "consumer" regardless of any contract or other agreement. (Certain transactions between consumers, covered in section 2.2 are excepted from this rule.)

(b) From October 23 to October 30, 1943, inclusive, no person may sell or transfer "jams", "jellies", "fruit butters", "marmalades" (other than citrus marmalades) or "preserves" (other than cream pie or pastry fillings, with or without fruit flavoring) to a consumer, "industrial" or "institutional user", regardless of any contract or other agreement. (Certain transactions, covered in section 2.2, are excepted from this rule.)

Sec. 9.2 *Only certain persons may transfer processed foods.* (a) Beginning March 1, 1943, only "retailers", "wholesalers", "processors", "country shippers", "growers", and dehydrators and growers of dried prunes or "raisins" may sell or transfer processed foods. (Certain transactions between consumers, covered in section 2.3 (b); certain transactions by seed dealers, covered in section 14.7; and certain other transactions covered in Articles X and XXVI are excepted from this rule.)

(b) An industrial user who has an excess inventory of processed foods may apply for permission to sell or transfer any part of that excess. The application shall be made on OPA Form R-315 to the board with which he is registered. He must state in his application the kinds, quantities and point value of the processed foods he wishes to sell or transfer, the reason he wishes to sell or transfer them, the way in which they are to be sold or transferred, and any other information that the board requests. The board shall grant the application if good cause is shown. If the application is granted, the processed foods must be sold or transferred for points in the same way that a retailer is permitted to sell or transfer processed foods, and within five days after the sale or transfer, the transferor must give up to the board all points

*For the purposes of General Ration Order 3A, blue "stamps" from the War Ration Book Two and the green stamps in War Ration Book Four, certificates (Form OPA R-1201) or ration coupons and ration checks are to be regarded as "evidences". That term is not, however, actually used in this order.

which he received for the processed foods sold or transferred. The board shall reduce his excess inventory by an amount equal to the number of points given up. An industrial user may also sell or transfer processed foods which are in imminent danger of spoilage, as provided in section 9.11.

(c) Institutional users may sell or transfer processed foods only as permitted in General Ration Order 5, and in section 9.11.

(d) Any person not covered by paragraphs (a), (b) or (c) may apply for permission to sell or transfer processed foods. The application shall be made on OPA Form R-315 to the board for the place where he lives or where he has his principal business office. He must state in his application the kinds, quantities and point value of the processed foods he wishes to sell or transfer, the reason he wishes to sell or transfer them, the way in which they are to be sold or transferred, and any other information that the board requests. Only one such application may be made by a person on his own behalf or on behalf of the members of his family unit. The board shall grant the application if good cause is shown. If the application is granted, the processed foods must be sold or transferred for points in the same way that a retailer is permitted to sell or transfer processed foods, and within five days after the sale or transfer, the transferor must give up to the board all points which he received for the processed foods sold or transferred.

(e) If the person making the sale or transfer, as permitted in paragraph (d), is a consumer who has been charged with an excess number of cans of processed foods (as shown by a notation on the inside front cover of his War Ration Book Two, or by the removal from his War Ration Book Two of eight point blue "stamps" which have not yet become valid), the number of cans with which he is charged shall be reduced by one for each can or bottle of processed foods of eight ounces or over which he has transferred and for which he turns over points. If the number of cans by which that reduction is to be made does not exceed the notation on the inside front cover of the consumer's book, the board shall reduce the number noted on the book by the appropriate amount. Otherwise, the board shall issue a substitute book exactly corresponding to that surrendered by the consumer, except that no number shall be written on the inside front cover of the substitute book and an appropriate reduction shall be made in the number of eight point blue stamps not yet valid, which are to be removed. If the processed foods sold or transferred were charged against several members of a family unit the board shall divide the reduction as equally as possible among the book of members of the family unit which have been charged with an excess number of cans of processed foods.

SEC. 9.3 Transfers after February 28, 1943 may be made only for points. (a) Beginning March 1, 1943, no person may

sell or transfer, and no person may buy or "acquire" processed foods, regardless of any contract or other agreement, unless points are given up in the way this order requires. (The word "transfer", as it is defined means to sell, as well as to transfer in other ways. The word "acquire", means to buy as well as to get in other ways. Therefore, the only words which will generally be used, in later sections, are "transfer" and "acquire".)

NOTE: The rules covering various kinds of transactions are set forth in the sections which follow.

SEC. 9.4 How processed foods are transferred to consumers. (a) *General.* Processed foods may be transferred to a consumer, and may be acquired by him, only if he gives up to the seller, or transferor, points equal to the point value of the processed foods transferred. (Certain transactions between consumers covered in section 2.3, are excepted from this rule. Certain other exceptions are covered in Article X.)

(b) *How points are given up.* Points may be given up by, and taken from, a consumer only in the form of stamps from a war ration book, a "certificate" issued for him, or a ration check issued to him and endorsed by him.

(c) *When points must be given up.* The seller or transferor must take the points from the consumer at the time when the processed foods are transferred. (Exceptions to this rule are covered in paragraphs (f) and (g) of this section.)

(d) *When stamps must be detached.* The seller or transferor may accept a stamp only if it is torn out of a war ration book in his presence. Loose stamps may not be used by a consumer and they must not be accepted by the seller or transferor.

(e) *When stamps are good.* Each stamp is good for a limited time and may be accepted for a transfer to a consumer only during that time. The letter printed on the stamp serves to indicate when it may be used by a consumer. Blue stamps lettered A, B and C may be accepted from a consumer, only during March 1943. Blue stamps lettered D, E and F may be accepted only from March 25, 1943 to April 30, 1943, inclusive. The periods during which other stamps may be accepted from a consumer are fixed by the Office of Price Administration in a supplement to this order.

(f) *Use of certificates.* A certificate may be accepted from a consumer only if it has been signed on the back by the person for whom it was issued (or by someone authorized to act for him, if he cannot write.) A certificate is not valid for a transfer to a consumer after the date shown on its face, and may not be used or accepted for such a transfer after that date. A certificate may be accepted from a consumer at or before the time when the processed foods are transferred.

(g) *Mail order sales.* (1) Processed foods may be transferred to consumers by mail if a certificate, detached stamps, or a ration check payable to, and en-

dorsed by the consumer, are received with the order. Stamps or certificates which are received after the last day on which they are good in the hands of the person who sends them may be accepted if the envelope in which they are enclosed is postmarked on or before that date.

(2) If the transferor fails to deliver processed foods equal in point value to the points received, he shall issue and send to the consumer a ration check for the balance.

(3) Before accepting stamps from and making transfers to consumers by mail, any retailer, wholesaler, or processor who wishes to do so must notify, in writing, the district office for the place where his principal business office is located. The notice must give his name and principal business address, the name and address of each establishment from which he will make transfers to consumers by mail, and must contain an estimate of the dollar volume of his mail order deliveries of processed foods to consumers during 1942. He may not make any such transfers until he has given this notice. Beginning March 1, 1943, he must keep a record of the dollar volume or the point value of his transfers of processed foods to consumers by mail.

(4) No retailer may receive points from and make transfers to consumers by mail unless he has a ration bank account.

(h) *Ration checks.* A ration check may be accepted from a consumer only if it is payable to him and has been endorsed by him (or by someone authorized to act for him, if he cannot write).

(i) *Ration coupons.* A ration coupon may be accepted from a consumer at any time.

SEC. 9.5 How processed foods are transferred to persons other than consumers—(a) General. Processed foods may be transferred to and acquired by a retailer, wholesaler, or a processor, or an industrial user or institutional user only if he gives up to the seller (or transferor) points equal to the point value of the processed foods transferred.⁵ (Certain exceptions to this rule are covered in Article X.)

(b) *Point value.* The number of points which must be given up for a transfer of processed foods is determined by their point value at the time of the transfer.

(c) *When points must be given up.* (1) The transferor must get the points from the transferee, and the transferee must give them up, at or before the time when the transfer is made. Exceptions to this rule are stated in the next two subparagraphs.

(2) If the transfer is made through shipment by railroad or any other public carrier, the transferor may arrange to have the carrier get the points for him from the transferee at the time of actual delivery, or to have the points obtained

⁵ For convenience, the retailer, wholesaler, processor, or industrial or institutional user, to whom the transfer is made, will sometimes be called "the transferee", in the paragraphs which follow.

for him by anyone in exchange for the bill of lading or other document entitling its holder to take possession of the processed foods.

(3) The points may be given up later, but not more than ten days after the time when the transfer is made, if the conditions of this subparagraph are satisfied. (However, if money payment for the foods transferred is made less than 10 days after the transfer, points must be given up at the time the money payment is made.) A transferee may not accept the transfer in this case unless he has points on hand (excluding points not yet surrendered for processed foods bought or acquired) or in his ration bank account, (excluding the amounts of ration checks issued which have not yet been cleared) equal to the point value of the processed foods transferred. The transferor must, at or before the time he transfers the processed foods to the transferee, prepare and keep a memorandum showing the name of the transferee, the date of transfer of the processed foods, a description of the items, and their point value. If the transferor does not get the points within the time required by this subparagraph, he must immediately notify the district office for the place where his establishment is located, of the default. As long as the transferee is in default, he must not acquire any processed foods and no transferor who has knowledge of the default may transfer such foods to him. (However, he may continue to acquire processed foods and transferors may continue to transfer such foods to him, pursuant to Article X.) If the District Director is satisfied that the transferee is in default, he may take any steps which he deems reasonably necessary to inform the transferee's present and prospective suppliers of the default so that they will know that his right to acquire processed foods is restricted as provided in this subparagraph. When the transferee is no longer in default, the District Director shall so inform all persons whom he informed of the default.

(4) Points which are mailed are considered given up when the envelope containing them is postmarked.

(d) *Form in which transferor must give up points.* The transferor may take points from the transferee only in the form of stamps, certificates, or a ration check drawn on the transferee's ration bank account or endorsed by him.

(1) *Stamps.* No stamp may be accepted from the transferee more than one month after the last date on which it was good for use by a consumer. If the last day on which the stamps were good for use by a consumer is not the last day of a calendar month and the next calendar month has a day which corresponds thereto, then a "month", as used in this subparagraph, is the period from the last day on which the stamps were good for use by a consumer to and including the corresponding day of the next calendar month; otherwise it is the period from the last day on which the stamps were good for use by a consumer to and including the last day of the next

calendar month. The stamps must either be pasted on gummed sheets (OPA Form R-120) or enclosed in sealed envelopes. If the stamps are pasted on gummed sheets, the name and address of the transferee must be written on each sheet, and only stamps of the same point value, and valid for a transfer to the transferee at the time they are given up, may be pasted on the same sheet. If the stamps are enclosed in sealed envelopes, they must be handled in all respects in accordance with the procedure described in General Ration Order 7⁶ for the use of such envelope.

(2) *Certificates.* A certificate may not be accepted from the transferee unless the name of the person to whom it was issued has been written on the back. The back of the certificate must also carry the signature of the transferee. The certificate may not be accepted more than ten days after the date shown on its face. However, if it was issued to the transferee, it may not be accepted after the date shown on its face.

(3) *Ration checks.* A ration check may be accepted by a transferor only if it is made payable to him and if it is drawn by his transferee, or if it is endorsed by his transferee and by the person to whom the check was issued, if the check was not issued to the transferee. (The rules for handling ration checks are set forth in General Ration Order 3A.)

(4) *Ration coupons.* A ration coupon may be accepted at any time. A person who has a ration bank account must enclose any ration coupons he has, for deposit, in sealed envelopes which are to be handled in all respects in accordance with the procedure described in General Ration Order 7 for the use of such envelopes. A person who does not have a ration bank account may use ration coupons without enclosing them in a sealed envelope.

(e) *Form in which transferee must give up points.*—(1) *Wholesalers and processors.* A wholesaler or a processor must give up points only in the form of a ration check drawn on his ration bank account.

(2) *Retailers.* A retailer who is required to have a ration bank account must give up points only in the form of a ration check drawn on that account. Other retailers may give up points only in the form of stamps, certificates, or ration checks endorsed by them.

(3) *Industrial and institutional users.* An industrial or institutional user who has a ration bank account must give up points only in the form of a ration check drawn on that account. Any other industrial or institutional user may give up points only in the form of certificates or ration checks endorsed by him.

(4) *General.* Points may be transferred freely between establishments of the same type operated by the same person, which are or may be registered together, and points of one of those establishments may be used to get processed foods for another of them. However this rule does not apply to the movement of points between institutional user es-

tablishments, which is covered by the provisions of General Ration Order 5.

(f) *Transfers to retailers during March 1943.* A retailer, wholesaler or processor who transfers processed foods to a retailer during March 1943, must prepare and give to the retailer a written statement (in any convenient form) showing the name and address of both the transferor and transferee, the date of the transfer, and the number of points given up by the transferee. The transferor must keep a copy of the statement at his principal business office.

Sec. 9.6 Transfers between establishments of different types or between separately registered establishments of the same type operated by the same person.

(a) All of the rules set forth above which apply to transfers from one person to another, also apply to transfers between establishments of different types operated by the same person. (For example, a person may have both a wholesale and a retail establishment. He is, therefore, both a wholesaler and a retailer. He is permitted to transfer processed foods from his wholesale to his retail establishment. However, when he does so, he must give up points from the retail to the wholesale establishment just as if those establishments were operated by two different persons.)

(b) The rules set forth above which apply to transfers from one person to another also apply to transfers between establishments of the same type which are operated by the same person but which are registered separately under this order.

Sec. 9.7 Transferor may not use points he receives in advance until processed foods are transferred. (a) A transferor may receive points from his transferee before he actually transfers the processed foods. In that case, he may not use points so received, to get other processed foods, until he has actually transferred to the transferee processed foods worth that number of points.

Sec. 9.8 Points may be returned for underdeliveries of processed foods. (a) If a retailer, wholesaler, processor, country shipper, or grower receives points in advance for a transfer of processed foods, and is unable to transfer all or any part of the amount ordered, he may return the points in excess. He must return the points in the same form he would use to give up points for a purchase or other acquisition of processed foods. (For example, a wholesaler can give up points only in the form of a ration check. He would, therefore, deposit all the points received by him, and draw a check for any amount to be returned. However, this section does not apply to consumers, except in connection with mail order transactions.)

Sec. 9.9 Points must be given up for imports of foods. (a) Any person (other than persons importing processed foods in accordance with section 10.10) who imports processed foods must give up points to the Collector of Customs (or

⁶ 8 F.R. 2858, 2997, 4640, 6325.

his deputy) at or before the time the foods are released or delivered to him by the Collector.

(b) The Collector of Customs shall turn over each month, to the district office for the area in which the point of entry is located, all points received by him in this way during the preceding month.

SEC. 9.10 *Permitted transfers of dried prunes or raisins, in exchange for points, by dehydrator or grower of fruit.* (a) Any dehydrator or grower of fruit who sells or transfers dried prunes or "raisins", must do so only for points equal to the point value of the dried prunes or raisins sold or transferred. (Exceptions to this rule are set forth in section 10.17.)

(b) Points received by a dehydrator or grower of fruit during any month as a result of such sales or transfers, may not be used by him for any purpose. They must, between the 1st and 10th days of the following month, be given up to the board for the area where his principal place of business is located.

SEC. 9.11 *Sale at lower point values of foods in danger of spoilage.*—(a) *Permitted sales and transfers.* Processed foods which cannot be sold at their full point value because they are in imminent danger of spoilage may be sold or transferred at less than their full point value in the way described in this paragraph, if and to the extent authorized under paragraphs (b) and (c). Such sales or transfers may be made only to consumers, industrial or institutional users, and persons principally engaged in the business of reconditioning or selling damaged articles, and only if the money price is reduced in the following way:

(1) No reduction in point value may be made unless the money price of the food has been reduced at least twenty-five per cent below its ceiling price established by applicable orders of the Office of Price Administration;

(2) If the money price has been reduced by at least twenty-five per cent below such ceiling price, it may be sold or transferred at twenty-five per cent below its full point value;

(3) If the money price has been reduced more than twenty-five per cent and less than fifty per cent below such ceiling price, it may be sold or transferred at a point value reduced in the same proportion that the money price has been reduced; and

(4) If the money price has been reduced by fifty per cent or more below such ceiling price, it may be sold or transferred point-free.

If the point value of any item of processed foods sold or transferred under this section (or any group of such items sold or transferred under this section at the same time) comes out to a fraction, the point value at which it may be sold or transferred is the next higher whole number. For the purposes of this paragraph, the ceiling price of a person principally engaged in the business of reconditioning or selling damaged articles, is deemed to be the average ceiling price of the same food in good condition ap-

plicable to the three wholesalers whose establishments are nearest to the place where such foods are located, as determined by the District Office in accordance with the provisions of paragraph (b). The ceiling price of the United States Government or any of its agencies will be fixed by the Washington Office in accordance with the provisions of paragraph (b).

(b) *Application for authorization to sell or transfer.* A person who wishes to sell or transfer processed foods in the way set forth in paragraph (a), may apply for authorization. However, no application may be made by a consumer. Application must be made on OPA Form R-315 to the District Office (or, if made by a retailer, to the board) for the area where the processed foods are located. However, application by the United States Government or any of its agencies shall be made to the Washington Office. The application must show:

(1) The applicant's name and address;

(2) The items and amounts of processed foods which the applicant desires to transfer at less than their full point value;

(3) The point value of each item;

(4) The ceiling price established for each item by applicable orders of the Office of Price Administration. However, if the applicant is a person principally engaged in the business of reconditioning or selling damaged articles, the applicant shall, instead of stating a ceiling price, give the names and addresses of the three wholesalers whose establishments are nearest to the place where such foods are located;

(5) A description of the condition of the food, to show why it cannot be disposed of at its full point value and, if known, the cause of such condition.

The board or District Office to which the application is made or the Washington Office, if the application is made by the United States government or any of its agencies, may inspect such processed foods and conduct such other investigation as it finds necessary to pass upon the application. If it finds that the foods described in the application are in such condition that they should be used immediately in order to avoid spoilage, it may grant the application and authorize the applicant to sell or transfer the foods at less than their full point value, in the way described in paragraph (a). (If the Washington Office grants an application made by the United States government or any of its agencies, it will fix a ceiling price for the purposes of paragraph (a). If the board or District Office grants the application of a person principally engaged in the business of reconditioning or selling damaged articles, it shall determine the average ceiling price of the same food in good condition applicable to the three wholesalers whose establishments are nearest to the place where such foods are located. In either case, the applicant shall be notified of the ceiling price which has been fixed or

determined.) The applicant must make and keep a record of each item of processed foods transferred by him pursuant to the authorization, showing the point value and price at which each transfer was made and the date of each transfer.

(c) *Sales or transfers for which no prior authorization is needed.* Any person, other than a consumer, may sell or transfer, under the conditions described in paragraph (a), without prior authorization, frozen processed foods which are in imminent danger of spoilage. Furthermore, any processor, country shipper, wholesaler, retailer, industrial user or institutional user may, without prior authorization, sell or transfer processed foods which are in imminent danger of spoilage under the conditions set forth in paragraph (a), but not more than the total quantities set forth in the following subparagraphs during the periods referred to in those subparagraphs:

(1) In the case of a processor, during any successive twelve month period beginning March 1, 1943, one tenth of one per cent of all processed foods produced or imported by him during that period.

(2) In the case of a country shipper, during any successive twelve month period beginning March 1, 1943, one tenth of one per cent of all dry beans, peas or lentils acquired by him during that period;

(3) In the case of a wholesaler, in any one reporting period, one twentieth of one per cent of the amount of processed foods which he sold or transferred during the preceding reporting period;

(4) In the case of a retailer, in any one month, one fortieth of one percent of his allowable inventory;

(5) In the case of an industrial user or an institutional user, in any one allotment period, one fortieth of one per cent of his allotment for that allotment period.

(d) *Resale of foods acquired under this section.* Any person who acquires processed foods under the provisions of this section and who is permitted to transfer processed foods under the provisions of section 9.2 may not transfer them at a point value greater than that at which they were acquired by him. He may transfer them at a lower point value only if authorized under paragraphs (b) or (c). If he transfers them at the same point value at which he acquires them, the provisions of paragraph (a) covering price reductions do not apply to the transfer of those foods by him. However, he may transfer any such foods only to a consumer, industrial or institutional user, or a person principally engaged in the business of reconditioning or selling damaged articles.

(e) *Records and reports.* (1) Any person who transfers processed foods under the provisions of paragraph (c) of this section shall maintain and keep records showing, with respect to each such transfer, the following:

(i) His name and address;

(ii) The name and address of any person, other than a consumer, to whom the transfer was made;

(iii) The date of the transfer;

(iv) The items and amounts of processed foods transferred and the price and point value for which each item was transferred;

(v) A description of the condition of the foods, to show why they could not be sold or transferred at their full point value and, if known, the cause of such condition.

(2) Any person who transfers processed foods under the provisions of paragraph (d) at the same point value at which he acquired them and any person who transfers frozen processed foods under the provisions of paragraph (c) must, within three days after the transfer, give a statement to the District Office for the area where his principal place of business is located. However, if the transfer was made by the United States Government or any of its agencies, the statement shall be given to the Washington Office. The statement shall show the name and address of the transferor, the items and amounts of processed foods transferred, the point value and price at which they were transferred and the date of transfer.

(3) Any person principally engaged in the business of reconditioning or selling damaged articles, who acquires processed foods under this section at less than their full point value, must, within five days after the end of each calendar month during which he acquired those foods in this way, give to the District Office for the area where his principal place of business is located a statement showing his name and address, the name and address of the person from whom he acquired them, the items and amounts of processed foods acquired, the point value at which they were acquired and the date of the acquisition.

(f) *Miscellaneous requirements.* Any person who transfers processed foods at a reduced point value under this section must also comply with the following requirements:

(1) Whenever he sells or transfers an item of processed food at less than its full point value and at a reduced price, he must sell or transfer that item, so long as he has it on hand, to any person who is willing to buy or acquire it at that reduced point value and price.

(2) If he is a retailer, wholesaler, country shipper, or processor who has an establishment at which processed foods which he carries are displayed to consumers he must post a notice where it may be clearly seen and read by such consumers showing:

(i) The items he is selling at the lower point value and the point value at which he is selling them;

(ii) That he is selling that item at less than regular point value in order to prevent spoilage;

(iii) The reduced money price at which he is selling the item and, unless he is principally engaged in the business of reconditioning or selling damaged articles, its ceiling price. If he is a person engaged in the business of reconditioning or selling damaged articles, he must post as his ceiling price the average

ceiling price of the same food in good condition applicable to the three wholesalers whose establishments are nearest to the place where such foods are located, as determined by the board or District Office to which application is made under paragraph (b).

(3) He must clearly mark on the container of each item sold the point value at which he transfers it, preceded by the words "reduced point value to avoid spoilage", unless it has previously been marked in that manner pursuant to this paragraph and is not being transferred at a further reduction in point value. However, he need not so mark the container if he sells it to a consumer from an establishment at which he posts a notice as required by subparagraph (2). Furthermore, the container need not be so marked if it is sold or transferred by the United States Government or any of its agencies.

(g) *Replacement of points.* A wholesaler, retailer or industrial or institutional user who sold or transferred processed foods at less than their regular point value under paragraph (b) may apply on OPA Form R-315, for a certificate to replace his point losses resulting from such transfers. The application must be made to the District Office, or the board, to which he applied for authorization to transfer the foods at a reduced point value. The application must be signed by the applicant or his authorized agent. It must show the name and address of the applicant, the items and amounts of foods so transferred, the point value and price at which they were transferred, the date of transfer, and the name and address of each transferee other than a consumer. It must contain a statement that he reduced the money price of the food sold or transferred at the lower point value, in the way required by this section. The application must also specify the date on which the authorization to sell such foods at less than full point value was granted. If the District Office or board finds that the applicant suffered a point loss because of such transfer, it shall issue a certificate for the number of points he lost. No application to replace point losses may be made more than 30 days after the close of the month in which the transfers at reduced point value occurred.

(h) *Statements by processors and country shippers.* A processor, or country shipper, who during any reporting period sells or transfers processed foods at less than their full point value, under paragraphs (b) or (c), must file with his periodic report required by section 3.2 (b), or section 24.2 (b), for that period a statement showing the items and amounts of foods so transferred, the point value and price at which they were transferred, the date of transfer and the name and address of each transferee other than a consumer. If the sale or transfer was made pursuant to an authorization granted by a District Office, the statement must specify the date on which the authorization was granted and the District Office which granted it.

ARTICLE X—POINT-FREE TRANSFERS

Sec. 10.1 Processed foods in transit prior to effective date of rationing, may be acquired point-free. (a) No points need be given up for a delivery of "processed foods" to a "person" other than a "consumer", if those processed foods were in transit to him on February 23, 1943.

(Note: Processed foods which were in transit to a "processor", or an "industrial" or "institutional user" at the close of business on February 23, 1943, must be included in the inventory which he reports in his registration.)

(b) No points need be given up for a delivery to any person other than a consumer, of an item which is added to the list of processed foods, if the item was in transit to him on the day preceding such addition.

(c) No points need be given up for a "transfer" of processed foods having a zero point value at the time of the transfer.

Sec. 10.2 Processed foods may be exchanged for other processed foods. (a) Any person may exchange processed foods with any other person for processed foods of equal point value, without giving up or taking points. (This rule applies even if there is a money payment to make up any difference in the money value of the processed foods exchanged.) However, neither a "grower" nor a "country shipper" may exchange dry beans, peas or lentils for other processed foods. Furthermore, neither a dehydrator, grower nor processor of dried prunes or "raisins" may exchange dried prunes or raisins for other processed foods.

Sec. 10.3 Lost or stolen processed foods may be returned, point-free. (a) No points need be given up for a return of lost or stolen processed foods to the person who lost them or from whom they were stolen.

Sec. 10.4 Stocks of processed foods may be moved point-free between establishments of the same person which are registered together. (a) No points need be given up when a person moves stocks of processed foods from one of his establishments to another of his establishments of the same kind. For example, a person who has two "retail establishments" may move processed foods from one to the other, without exchanging points between them. (However, a record must be kept of the amount of stocks involved in each such movement.) When a person transfers processed foods between establishments of different kinds—for example, from his "wholesale establishment" to his retail establishment—points must be given up just as if those establishments were operated by different persons, if those establishments are registered together.

(b) This rule does not apply to the movement of stocks between "institutional user establishments", which is covered by the provisions of General Ration Order 5.

SEC. 10.5 *Processed foods may be stored and returned from storage, point-free.* (a) No points need be given up for a delivery of processed foods for storage purposes only.

(b) No points need be given up for a delivery of processed foods from the place of storage to the person who stored them, or to a person to whom he has sold or transferred them. (However, that sale or transfer must be made in a way permitted by this order.)

SEC. 10.6 *Security interests in processed foods may be created and released, point-free.* (a) No points need be given up for a transfer of processed foods, or of any interest in them, for security purposes only. (For example, if processed foods are pledged or mortgaged the person with whom they are pledged or mortgaged need not give up points.)

(b) No points need be given up for a release of a security interest in processed foods, or for a return of those foods to the person who originally transferred them for security purposes. (For example, a person who pledged processed foods may get them back without giving up points. Similarly, a person who gave a chattel mortgage on his processed foods need not give up points when the mortgage is ended.)

SEC. 10.7 *Processed foods may be transferred, point-free, for liquidation, by operation of law, or in judicial proceedings—(a) General.* No points need be given up for a transfer of processed foods to a person who gets them for liquidation only. Also, no points need be given up for a transfer of processed foods as part of a judicial proceeding, or by operation of law, or for a transfer made under the direction of or pursuant to an order of a court, or by judicial process.¹ (For example, processed foods may be taken over by a creditor, under a court order, without any surrender of points. If processed foods are assigned for the benefit of creditors, the person to whom they are assigned need not give up points to the person making the assignment. Also, a person need not give up points when he inherits processed foods or "acquires" them by will.)

(b) *How transferee may dispose of the processed foods.* A person who acquires processed foods in this way must within five days after acquiring them, report to the district office for the place where his principal business office is located:

(1) The kinds and the point value of the processed foods acquired;

(2) The name and address of the person from whom they were acquired;

(3) The way in which and the date when they were acquired. He may not use the processed foods unless he gives up to the district office, for cancellation, points equal to their point value. He may, however, sell or transfer them in the same way that a "retailer" is permitted to sell or transfer processed

foods. He must immediately after selling or transferring them, account to the district office for points equal to their point value. (If he transfers the foods to any other person who is also entitled under this or any other section of this order to acquire them point-free he need not, of course, get points from the transferee, and he need not give up any to the district office.)

(c) *Consumer inheritance.* A consumer who gets processed foods from another consumer, by inheritance or by will, may use them without giving up points.

SEC. 10.8 *Processed foods may be acquired, point-free, by insurers or for salvage—(a) Acquisition of damaged processed foods.* Damaged processed foods, and undamaged processed foods mingled with them, may be transferred to, and acquired by, the following persons, without any surrender of points:

(1) A person who has paid or is liable for a claim for the damage done to the foods, and who is entitled to reimburse himself by taking them over;

(2) A person in the business of adjusting losses or of reconditioning or selling damaged articles.

(b) *Disposal of the processed foods.* The person acquiring the processed foods must, within five days after acquiring them, report to the district office for the place where his principal business office is located:

(1) The kinds and point value of the processed foods acquired;

(2) The name and address of the person from whom he acquired them;

(3) The way in which and the date when they were acquired. If he cannot ascertain the kinds and point value immediately, he must describe the approximate amount he received and must give the detailed information as soon as he can. He may dispose of those processed foods only by a sale or transfer in the same way that a retailer is permitted to sell or transfer processed foods. He must immediately after selling or transferring them, account to the district office for points equal to their point value. If he cannot dispose of them all, he must report to the district office the amount which was not saleable.

SEC. 10.9 *Processed foods may be transferred to prospective buyers for sampling, point-free and may be used for sampling and demonstration.* (a) A processor, country shipper, or grower may deliver processed foods to prospective buyers (other than consumers) for sampling, without getting points. However, he may not deliver in this way more than one-fortieth of one percent of the total amount of processed foods produced or imported by him.

(b) A retailer or wholesaler, who acquires processed foods from a processor, country shipper, or grower, may sample some of them in order to check grades and quality and may use some of them to demonstrate them to prospective purchasers other than consumers. However, he may not use for this purpose more than one-tenth of one percent of

the total amount of processed foods acquired by him. A wholesaler shall attach to his periodic report to the Washington Office on OPA Form R-1310 a statement accounting for the amount of processed foods used by him for sampling or demonstration to prospective purchasers.

SEC. 10.10 *Processed foods may be delivered point-free to certain persons—(a) Point-free delivery to processors.* No points need be given up for a transfer of processed foods by an authorized customs official to a processor if the processor gives his signed statement to the official showing:

(1) His name;

(2) His principal business address;

(3) His processor registration number;

(4) The address of the establishment at which the foods are to be kept for sale or transfer or for his own use in making other processed foods; and

(5) The amount and kind of processed foods imported at the time.

(b) *Point-free delivery to country shippers.* No points need be given up for a transfer of dry beans, peas or lentils by an authorized Customs Official to a country shipper if the country shipper gives his signed statement to the Official showing:

(1) His name;

(2) His principal business address;

(3) His country shipper's registration number; and

(4) The amount of dry beans, peas and lentils imported at the time.

(c) *Collector of Customs to send statements to Washington Office.* After the close of each month the Collector of Customs shall deliver all processors' and country shippers' statements received during that month to the Office of Price Administration, care of the Bureau of the Census, Washington, D. C.

(d) *Point-free delivery to representatives of foreign governments, prisoners of war, internees and others.* No points need be given up for a transfer of processed foods by an authorized customs official:

(1) Upon request by the Department of State, to representatives of foreign governments who are within the classes of persons specified in Article 432 (a) or Article 433 (c), Customs Regulations of 1937;

(2) To members of the armed forces of the United Nations, other than those of the United States, who are on duty within the United States, where the processed foods are consigned or addressed to them and are intended for their personal or official use;

(3) To enemy prisoners of war and enemy civilian internees and detainees in the United States, where the processed foods are consigned or addressed to them.

(e) *Point-free delivery to home processors.* No points need be given up for a transfer of home processed foods by an authorized customs official to the person who produced them in a way described in Article XXVI, if the person gives his signed statement to the official showing:

¹A "wholesaler" may acquire processed foods in this way even if his actual inventory is or would become larger than his maximum allowable inventory.

- (1) His name and address;
- (2) The place where the home processed foods were produced;
- (3) The amount and kinds of home processed foods being imported;
- (4) A statement showing that he produced the home processed foods in a way described in Article XXVI.

The Collector of Customs shall turn over, each month, to the district office for the area in which the point of entry is located, all statements received by him in this way during the preceding month.

Sec. 10.11 Processed foods may be transferred, point-free, in connection with transfer of a business. (a) No points need be given up for a sale or transfer of processed foods in the inventory of an establishment, as part of a sale or other transfer of the establishment itself for continued operation. A person who so buys or acquires processed foods may not use them, but may hold them only for sale or transfer. However, a person who acquires an industrial user establishment may use its stocks up to the amount of any allotment he gets. (The procedure which the transferor and transferee must follow, where an establishment is transferred for continued operation, is covered in Article XI.)

Sec. 10.12 Processors may transfer point free to allow for spoilage. (a) In any case in which a processor makes a money allowance to his transferee to cover spoilage of the processed foods transferred, he may, in order to allow for spoilage, transfer to his transferee, without receiving points, processed foods in an amount not exceeding the same percentage of the total amount transferred that the money allowance made is of the total price paid. However, such transfer may not, in any event, exceed one-fourth of one percent of the total amount transferred.

(b) If the actual spoilage of processed foods transferred by a processor exceeds one-fourth of one percent, the transferee may return the spoiled foods to the processor and receive points for the difference between the amount spoiled and any allowance already made. However, if he does not return the spoiled processed foods, he may receive points for that difference only if and to the extent that the processor makes a money adjustment for the spoiled processed foods.

(c) The processor must keep a record of the name and address of each person to whom such point-free transfers and point returns are made, the dates thereof, and the amounts of such transfers and returns.

Sec. 10.13 Grower of dry beans, peas, or lentils may transfer them to country shippers point-free. (a) No points need be given up for a sale or transfer of dry beans, peas, or lentils by a grower to a country shipper. At the time of the point-free sale or transfer, the country shipper must give to the grower, and the grower must get from the country shipper, a written receipt on which the country shipper's OPA registration number appears.

Sec. 10.14 Country shipper or grower of dry beans, peas, or lentils may transfer them point-free to growers for seed purposes. (a) No points need be given up for a sale or transfer of dry beans, peas, or lentils by a country shipper or grower to a grower, when the transferee acquires the dry beans, peas, or lentils for use as seed.

Sec. 10.15 Wholesaler or retailer may transfer dry beans, peas, or lentils point-free for seed. (a) No points need be given up for a sale or transfer of dry beans, peas, or lentils by a wholesaler or retailer to a person when such person acquires the dry beans, peas, or lentils for use as seed. However, when the transferor sells or transfers, point-free for use as seed, dry beans, peas, or lentils which were in his inventory on March 1, 1943, or which he acquired for points, he shall make and keep a record of the name and address of the transferee, the date of the sale or transfer, and the amounts of dry beans, peas, or lentils transferred point-free for use as seed.

Sec. 10.16 Dry beans, peas, or lentils may be transferred point-free between country shippers. (a) No points need be given up for a sale or transfer of dry beans, peas, or lentils by one country shipper to another country shipper. At the time of the point-free sale or transfer, the country shippers must exchange written receipts and invoices on which their respective names and addresses and OPA registration numbers appear.

Sec. 10.17 Point-free transfers of dried prunes or raisins by a dehydrator or grower of fruit. (a) No points need be given up for a sale or transfer of dried prunes or raisins by a dehydrator or grower of those fruits to a dehydrator, grower or processor of dried prunes or raisins.

(b) Any dehydrator or grower of fruit who sells or transfers dried prunes or raisins under this section, without receiving points, must keep a record showing, for each such sale or transfer, the amount sold or transferred, the name and address of the transferee and the date of sale or transfer. If the sale or transfer is made to a processor, the processor must give to the transferor, and the transferor must get from the processor, a written receipt containing the processor's OPA registration number and the information of which the transferor must keep a record as required by this paragraph. The receipt must be retained by the transferor and constitutes that record.

(c) Any dehydrator or grower of fruit and any processor who acquires dried prunes or raisins under this section, without surrendering points, must keep a record showing, for each such acquisition, the amount acquired, the name and address of the transferor and the date of sale or transfer.

Sec. 10.18 Title to foods may be transferred point-free where the one who has title does not have possession. (a) A person who has title to processed foods but who does not have possession of them

and who may not get possession of them without giving up points, may transfer his title to such foods point-free. (However, a person who acquires title to processed foods in a way permitted by this section must give up points to obtain possession of such foods.)

Sec. 10.19 Point-free transfer of jams, jellies, fruit butters, marmalades and preserves in Christmas gift packages. (a) Prior to January 9, 1944, jams, jellies, fruit butters, marmalades and preserves contained in a package made up before October 23, 1943, for sale or transfer for use as a gift during the 1943 Christmas season, may be transferred to and acquired by any person point-free. Each package must have on it a statement that it was made up before October 23, 1943. In addition, all transfers of such foods by persons other than consumers must be made in accordance with the provisions of paragraph (b) of this section.

(b) A person other than a consumer may transfer jams, jellies, fruit butters, marmalades and preserves contained in packages of the kind described in paragraph (a), if the total point value of the jams, jellies, fruit butters, marmalades and preserves contained in all such packages held by him for sale or transfer is less than 400 points. Such a person must keep a record, at his principal business office, of the number of such packages which he holds for sale or transfer, and the total point value of the jams, jellies, fruit butters, marmalades and preserves contained in all such packages. A person other than a consumer who wishes to transfer jams, jellies, fruit butters, marmalades and preserves contained in packages of the kind described in paragraph (a) must, if the total point value of the jams, jellies, fruit butters, marmalades and preserves contained in all such packages is 400 points or more, apply in writing to the district office for the place where his principal business office is located for permission to do so. His application must state:

- (1) The name and address of his establishment;
- (2) The number of packages of the kind described in paragraph (a) that he has;
- (3) The total point value of the jams, jellies, fruit butters, marmalades and preserves contained in all such packages; and
- (4) That the packages covered by this statement were made up before October 23, 1943, for sale or transfer for use as a gift during the 1943 Christmas season.

If the applicant did not have the packages before October 23, 1943, and is not the person who made up the packages, he may, instead of making the statement called for in (4) above, attach to his statement a statement in writing from the person from whom he acquired the packages, that they were made up before October 23, 1943, for sale or transfer for use as a gift during the 1943 Christmas season. If the district office finds that

the packages held by the applicant meet the requirements in paragraph (a), it shall authorize him to transfer the packages point-free.

ARTICLE XI—SALE OF BUSINESS

SEC. 11.1 *Sale or transfer of retail, wholesale, or processor establishment—*

(a) *General.* (1) When any "person" sells or "transfers" to any other person the business and inventory of his "retail", "wholesale" or "processor establishment", for continued operation, they must both notify the "board" at which the establishment is registered or the "Washington Office", if it is registered there. The notice must be given in writing, within five (5) days after the sale or transfer, and must show:

(i) The name and business address of the establishment and of the persons transferring and "acquiring" it;

(ii) The point value of the inventory transferred; and

(iii) The number of points in the establishment's ration bank account, if any, and the number of points on hand, including points sent to a supplier for "processed foods" not yet shipped.

This notice will be treated as the transferee's registration and as a cancellation of the transferor's registration.

(2) If the transferor has a ration bank account, he must notify the district office, in the way required by General Ration Order 3A (the ration banking order).

(b) *Purchaser of retail or wholesale establishments may get its points.* The purchaser or transferee of a retail or wholesale establishment may get and use all of the establishment's points in the same way that the seller or transferor was entitled to use them. (If it is a wholesale establishment, however, he may not use those points to exceed its maximum allowable inventory, except as permitted by section 4.7 (a).) If the establishment has a ration bank account, the transferor is to give all the establishment's points to the transferee by issuing a ration check. If the establishment does not have a ration bank account, the transferor is to give to the transferee the "stamps" and "certificates" he has and to endorse and give to the transferee any ration checks he has. (If the transferee is required to have a ration bank account he must deposit all the points in that account. If the transferee is not required to have a ration bank account, he may endorse the checks and use them to get processed foods.)

(c) *Seller of processor establishment must give up all points to the Office of Price Administration.* A person who sells or transfers a processor establishment must, within five (5) days after the transfer, turn over to the Washington Office, all points on hand at that establishment and all in its ration bank account. He does so by issuing and sending his certified ration check, payable to the Office of Price Administration, along with his notice of the transfer. (If any of the points represent processed foods not yet shipped, he must attach to his notice

a statement showing the amount and the person from whom he got them.)

(d) *Same rules apply to sale of an entire chain.* The rules set forth above also apply to a person who has more than one establishment of a particular kind and who sells or transfers all of them for continued operation. He must give the information, and give up or transfer the points for all the establishments.

(e) *Sale of part of a chain.* Where the seller or transferor also has other establishments of the same kind which are not sold or transferred, the procedure described in paragraph (a) of this section must be followed. However, while the purchaser or transferee may acquire the processed foods inventory of the transferred establishment, he may not acquire its points. In this case, the seller or transferor keeps the points. If he is a "retailer," or "wholesaler," he may use the points with his other establishment of the same kind as the transferred establishment. If he is a "processor," he must give up to the Washington Office, the points received for sales and transfers of processed foods from that establishment at the time that he is required to give up points received by his other processor establishments.

SEC. 11.2 *Sale or transfer of industrial user establishments—*(a) *General.* (1) When an industrial user sells or transfers to any other person the business and inventory of his "industrial user establishment," for continued operation, both the transferor and transferee must notify the board at which the establishment is registered. The notice must be in writing, within five (5) days after the sale or transfer, and must show:

(i) The name and business address of the establishment and of the persons transferring and acquiring it;

(ii) The point value of the inventory transferred;

(iii) The number of points in the establishment's ration bank account, if any, and the number of points on hand, including points sent to a supplier for processed foods not yet shipped.

(2) If the transferor has a ration bank account, he must notify the district office, in the way required by General Ration Order 3A.

(b) *Transferor must give up unused points.* The seller or transferor must give up to the board all unused points he has for the establishment. If the establishment has a ration bank account, he must give up the points in the form of his certified ration check payable to the Office of Price Administration. The notice described in paragraph (a) of this section, and the surrender of unused points, will be treated as a cancellation of the transferor's registration and allotment.

(c) *Application for allotment by transferee.* The transferee may not use the stocks of processed foods transferred with the establishment unless he receives an allotment. The application for an allotment must be made, on OPA Form R-315, to the board for the place where his principal business office is located, and must state facts showing whether:

(1) The entire establishment, including substantially all the equipment the good will, and the processed foods inventory, has been transferred;

(2) The transferee will continue to serve, from that establishment, the same general class of customers and the same area served by it before the transfer;

(3) The transferee will continue to produce, at the establishment, the same class of product or products, though not necessarily under the same trade name.

The board shall send the application, the notices sent to it by both parties and the transferor's registration to the district office.

(d) *Granting of allotment.* If the district office finds that the establishment will continue to be operated in substantially the same manner as before the transfer and that the tests described in paragraph (c) are satisfied, it shall assign to the transferee the transferor's allotment and base period use, for that establishment. It shall also give him a certificate for the number of points that the transferor surrendered to the board, or, if the amount of processed foods transferred to the transferee with the establishment is larger than the unused part of the allotment for the current period, plus any unused part of the transferor's earlier allotments, the difference shall be treated as excess inventory. The transferee may not use any part of the allotment already used by the transferor, but he may use any unused part of any prior allotment the transferor received for that establishment.

(e) *Same rules apply to sale of entire chain.* The same rules apply where a person who has more than one industrial user establishment sells or transfers all of them, for continued operation whether or not they were registered separately.

(f) *Sale of part of a chain.* (1) When the seller or transferor has more than one industrial user establishment which he registered separately, and sells or transfers one or more, but not all of them, the procedure described in paragraphs (a), (b), (c) and (d) of this section must be followed separately, as to each of the establishments transferred.

(2) When the seller or transferor has more than one industrial user establishment, which he registered together, and sells or transfers one or more, but not all, of them, the procedure described in paragraphs (a) and (c) of this section must be followed, except that the transferor must also apply to the board with which he registered for a redetermination of his allotment and base-period use. The board shall send the application and notices of both parties, and the transferor's registration, to the district office. If the district office finds that the tests described in paragraph (c) are satisfied, it shall grant an allotment to the transferee and assign to him a base-period use. It shall first determine the amount of the transferor's allotment and base-period use allocable to the trans-

ferred establishment. That base-period use shall be assigned to the transferee. The transferee's allotment shall be the part of the transferor's allotment corresponding to the unexpired part of the allotment period. The base-period use and the allotment assigned to the transferee shall be deducted from the base-period use and current allotment of the transferor. The district office shall issue a certificate to the transferee (or determine his excess inventory) on the basis of the allotment granted to him and the amount of the inventory he acquired from the transferor. If the amount of processed foods which is transferred with the establishment is less than the allotment assigned to the transferee, the transferor must give up points to the Office of Price Administration for the difference. If he does not give up points, that difference shall be treated as excess inventory.

(g) *Transferee's registration.* A transferee is regarded as registered as soon as the district office assigns an allotment and base period use to him.

(h) *Use of allotment by transferee.* A transferee may not use an allotment assigned to him under this section if his operation of the transferred establishment ceases to meet the tests described in paragraph (c).

SEC. 11.3 *Moving establishment to another place.* (a) A person may move his retail, wholesale or processor establishment to another place after notifying the board at which the establishment is registered, or the Washington Office if it is registered there, of his new address.

(b) If a person wishes to move his industrial user establishment to another place, he must treat his moving as the closing of one establishment and the opening of a new establishment unless he applies for and is granted permission to continue his operations at the new place. The application must be made on OPA Form R-315, to the board at which the establishment is registered, and must, in addition to showing the new address, give explanations indicating whether:

(1) The entire establishment, including substantially all the equipment and the inventory of processed foods will be moved to the new place;

(2) He will continue to serve, from the new place, the same general class of customers and the same area he serves from his present place;

(3) He will continue to produce, at the new place, the same class of product or products which he produces at his present place. The board shall send the application, with its recommendation, if any, to the district office. If the district office finds that the establishment will continue to be operated in substantially the same manner as at its present place, and that the tests described above are satisfied, it shall grant the application.

ARTICLE XII—NEW BUSINESSES

SEC. 12.1 *New retail establishments may be opened—(a) How stocks are obtained.* A "person" who wishes to

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open a "retail establishment" after February 1943 may apply for a "certificate" to get stocks of "processed foods". The application must be made, on OPA Form R-315 to the "board" for the place where the establishment will be located. (If he also has a "wholesale" or "processor establishment", he must apply to the "Washington Office", and not to the board.) The application must show:

(1) The proposed name and address of the establishment;

(2) The amount he has invested or expects to invest in it;

(3) The size of the establishment;

(4) The number of points he needs in order to get adequate stocks;

(5) The point value of any stocks of processed foods he may have for that establishment.

(b) *Issuance of certificate.* The board (or the Washington Office) will issue to him a certificate for the number of points he needs to get an adequate working inventory.

(c) *Registration.* At the end of his first full month of operation he must register that establishment, on OPA Form R-1302 in the same way that "retailers" register between April 1 and April 10, 1943. He must give all information called for by the form. However, he must show his sales and "transfers" of processed foods from that establishment during his first full month of operation instead of during March 1943, and must report his point inventory at the end of that month, instead of at the end of March 1943. When he registers, he may get a certificate or, if he has excess inventory, he must give up points to the Office of Price Administration in the same way as retailers who register between April 1 and April 10, 1943. He may not, however, be given a certificate for more than the amount by which his allowable inventory exceeds the amount of the certificate given to him when he applied on OPA Form R-315.

(d) *Procedure where no additional stocks are needed.* Where the person who wishes to open the retail establishment has enough stocks, he need not apply on OPA Form R-315. He may begin operation with the stocks he has. However, before making any sales or transfers of processed foods from the establishment after April 10, 1943, he must notify the board for the place where the establishment is located. If he also has a wholesale or a processor establishment, he must notify the Washington Office, instead of the board. The notice must be in writing and must give the name and address of the establishment and the point value of its inventory. At the end of his first full month of operation, he must register the establishment and follow the procedure described in the last paragraph.

SEC. 12.2 *New wholesale establishments may be opened—(a) How stocks are obtained.* A person who wishes to open a wholesale establishment after February 1943, may apply for a certificate to get stocks of processed foods. The application must be made to the

Washington Office on OPA Form R-315. The application must show:

(1) The proposed name and address of the establishment;

(2) The amount he has invested or expects to invest in it;

(3) The size of the establishment;

(4) The number of points he needs in order to get adequate stocks;

(5) The point value of any stocks of processed foods he may have for that establishment.

(b) *Issuance of a certificate.* The Washington Office will issue to him a certificate for the number of points he needs to get an adequate working inventory.

(c) *Reports.* Beginning for his first full reporting period of operation, he must file reports for that establishment, on OPA Form R-1310, and follow the same procedure as a "wholesaler" who registered between April 1 and April 10, 1943.

(d) *Procedure where no additional stocks are needed.* Where the person who wishes to open the wholesale establishment has enough stocks, he need not apply on OPA Form R-315. He may begin operations with the stocks he has. However, before making any sales or transfers of processed foods from that establishment after April 10, 1943, he must notify the Washington Office. The notice must be in writing and must give the name and address of the establishment and the point value of its inventory.

(e) *Maximum allowable inventory.* His maximum allowable inventory is then determined in the following way:

(1) For his first reporting period, his maximum allowable inventory is the point value of any certificate issued to him by the Washington Office, plus the point value of any inventory of processed foods which he has at the time he notified the Washington Office of his intention to begin operations as a wholesaler;

(2) For his second reporting period, his maximum allowable inventory is determined by multiplying the point value of his sales or transfers (exclusive of exchanges, returns, and transfers from one to another of his wholesale establishments) during his first full reporting period of operations, by the wholesale factor fixed for the reporting period in question in a supplement to this order;

(3) For his third reporting period, his maximum allowable inventory is the same as it was for his second reporting period;

(4) For his fourth reporting period, his maximum allowable inventory is determined by dividing by two the point value of his sales or transfers (exclusive of exchanges, returns, and transfers from one to another of his wholesale establishments) during the first two of the three preceding reporting periods, and multiplying the result by the wholesale factor fixed for the reporting period in question;

(5) For his fifth reporting period and thereafter, his maximum allowable inventory is determined in the way described in section 4.6 (b) for wholesalers who registered between April 1 and April 10, 1943.

SEC. 12.3 *New processor establishments may be opened.* (a) A person who opens a processor establishment which was not in operation during February 1943 must notify the Washington Office before making sales or transfers of processed foods from that establishment. The notice must be in writing and must show:

- (1) The name and address of the establishment;
- (2) The type of processed foods he produces or imports there;
- (3) The inventory of that establishment on the date of the notice.

He must file reports for that establishment, on OPA Form R-1305, beginning for the reporting period in which he started operations there.

SEC. 12.4 *In special cases, allotments may be granted for new industrial user establishments.* (a) A person who has or wishes to open an "industrial user establishment" which he did not operate at any time between January 1, 1942 and February 28, 1943, may apply for an allotment. No such application may be granted in any case, unless it is found that:

- (1) The operation of the establishment will make a direct contribution to the war effort or is essential to meet civilian needs in the area it will serve; and
 - (2) The product it will produce cannot be obtained from any other source in the area to be supplied.
- (b) The application must be made on OPA Form R-315, to the board for the place where the establishment is or will be located. The application must show:
- (1) The product the applicant will make;
 - (2) The size of the establishment;
 - (3) The amount he has invested or intends to invest in it;
 - (4) The market to be supplied;
 - (5) The kinds and point value of any processed foods he may have for that establishment;
 - (6) The amount of the allotment requested.

(c) The board may call for any additional information it finds necessary. It may not pass on the application, but must forward it, together with all information received, to the district office. It may attach its recommendation, if any, as to the action to be taken. The district office must forward the entire file to the Washington Office, for decision, or take such other action as the Washington Office may authorize or direct.

(d) An industrial user who already has an allotment, may not open another industrial user establishment and use his allotment there, unless he applies under this section and is given permission to do so.

ARTICLE XIII—CLOSING OF BUSINESS

SEC. 13.1 *What a person who closes his establishment must do—(a) General.* (1) Any "retailer", "wholesaler", "processor", "country shipper", or "industrial user" who goes out of the business of dealing in or using "processed foods" at his establishment must notify

the "board" at which it is registered, or the "Washington Office", if it is registered there. (A "person" is considered as going out of the business of dealing in or using processed foods if the foods he deals in or uses at his establishments are removed from the list of processed foods.) The notice must be given in writing within five (5) days after he goes out of the business. It must show:

- (i) The name and address of the establishment;
- (ii) The point value of its inventory at the time that he ceases doing business in processed foods at that establishment; and
- (iii) The number of points in the establishment's ration bank account, if any, and the number of points on hand, including points in the hands of his suppliers for processed foods not yet shipped. If he has a ration bank account he must also notify the district office in the way required by General Ration Order 3A (the Ration Banking Order).

(2) He must account to the Office of Price Administration for all points he has for the establishment at which he ceased doing business. If all his stocks of processed foods have not been disposed of at the time of the notice, he must account for the rest of the points as soon as the stocks have been liquidated. An industrial user who has given the notice called for above, may sell or "transfer" his unused stocks of processed foods in the same way that a retailer is permitted to make sales or transfers.

(b) *Closing of entire chain.* The rules set forth in paragraph (a) of this section, also apply to a person who has more than one establishment of a particular kind and who goes out of business at all of them. He must give the information required, and must give up the points, for all the establishments.

(c) *Closing of part of a chain.* (1) A person who has several retail, wholesale or processor establishments may go out of business at one or more, but may continue to operate the others. In that case, he need not give up points to the Office of Price Administration at that time but may use them for the operation of the establishments which he continues.

(i) If the establishment closed was a "retail establishment", he must notify the board at which it is registered within five (5) days after he closes it. If it is registered at the Washington Office, he must notify that office instead. The notice must be in writing and must give the name and address of the establishment closed.

(ii) If the establishment closed was a "wholesale" or "processor establishment", he must indicate that fact in his next periodic report.

(2) A person who has several "industrial user establishments", which are registered separately, may go out of business at one or more, but may continue to operate the others. In that case, he must follow the procedure set forth in paragraph (a) of this section as to each of the estab-

lishments at which he goes out of business.

(3) A person who has several industrial user establishments which are registered together may go out of business at one or more, but may continue to operate the others. In that case he must notify the board with which he is registered. The notification must be in writing and must state whether and to what extent he will continue to serve, from his other establishments, the same area and the same general class of customers. The board must send the notification and his registration to the district office. The district office shall determine the extent to which he remains entitled to use his entire allotment. He may keep his entire allotment only if his remaining establishments will continue to serve the same general class of customers and the same area as the establishment closed. His allotment and his base-period use must be reduced to the extent that he will cease to serve the same class of customers and the same area. If his allotment is reduced, he must give up to the Office of Price Administration points equal to the reduction. If he does not have points to give up, the amount of the reduction shall be treated as excess inventory.

ARTICLE XIV—MISCELLANEOUS ADJUSTMENTS

SEC. 14.1 *Retailer may apply for inventory adjustments after March 1943—*

(a) *How to apply.* A "retailer" who finds that his allowable inventory is inadequate may apply for an adjustment. The application must be made, on OPA Form R-315, to the "board" with which he registered, or to the "Washington Office", if he registered there. The application must give the following information:

- (1) The amount of his allowable inventory;
- (2) The reasons why he claims that it is inadequate;
- (3) The point value of his sales and "transfers" of "processed foods" during the thirty days before his application, not including exchanges, and transfers from one of his "retail establishments" to another;
- (4) The amount of the adjustment which he needs.

He must also give any other information that the board (or the Washington Office) may request.

(b) *Application based on increase of business.* If he asks for a larger inventory because of an increase in business which is not due to regular seasonal variations, his application is to be acted upon in the following way:

- (1) The point value of his sales or transfers upon which his allowable inventory was based is determined;
- (2) The point value of his sales and transfers of processed foods, during the thirty days before the application is determined;
- (3) If the second figure is more than ten percent larger than the first figure, he is to get a "certificate" for the difference between them multiplied by the factor fixed in the supplement to this

order for determining retailer allowable inventories;

(4) If the second figure is not more than ten percent larger than the first, his application is to be denied.

(c) *Other applications.* If he asks for a larger inventory for any other reason, a board may not act on the application but must send it, and any other information received, to the district office. The board may attach its recommendation, when it transmits the application. The district office shall send the file to the Washington Office, for decision, or take such other action as the Washington Office may authorize or direct.

Sec. 14.2 *Wholesaler may apply for inventory adjustments after March 1943—(a) How to apply.* A "wholesaler" who finds that his maximum allowable inventory is inadequate may apply for an adjustment. The application must be made to the Washington Office, on OPA Form R-315, and must give the following information:

(1) The amount of his maximum allowable inventory for the reporting period in which he applies;

(2) The reasons why he claims that it is inadequate;

(3) The amount of the adjustment which he needs.

He must also give any other information that the Washington Office may request.

(b) *Action on application.* The Washington Office will act on the application according to the circumstances of the case.

Sec. 14.3 *Wholesalers and retailers may apply for point loans—(a) General.* A retailer or a wholesaler may have large seasonal variations in the amount of business that he does. He may therefore need an unusually large inventory at certain times. In other cases, due to difficulties of transportation a retailer or a wholesaler may have a large number of points tied up in the hands of his supplier, for processed foods which he has not yet received. In these situations the retailer or wholesaler may wish to borrow points in order to get enough processed foods to tide himself over. He does not need a permanent adjustment, but simply a loan of points which he can pay back later.

(b) *Application for a point loan.* A retailer or wholesaler may apply for a point loan when he needs more points to get processed foods for a limited period of time because of uncertainties or delays in transportation or because of seasonal variations in his business. He must apply on OPA Form R-315, to the board with which he is registered (or to the Washington Office, if he is registered there). The application must show:

(1) His allowable inventory;

(2) The reasons he needs a point loan;

(3) The number of points he needs to borrow;

(4) The length of time for which he needs the loan.

He must give any other information that the board (or the Washington Office) requests.

(c) *Action on application.* If he needs a point loan for any of the reasons set forth in the last paragraph, he may be given a certificate for the number of points needed. The loan can be for any period up to two months. He must give back that number of points to the Office of Price Administration, for cancellation, not later than the date set at the time the certificate is issued.

(d) *When Board may not act upon application.* A board may not grant a point loan of more than fifty percent of the applicant's allowable inventory. If more than that is needed, it must send the application, together with all information it received, to the district office. It may attach its recommendation as to the action to be taken. The district office shall send the file to the Washington Office for decision, or take such other action as the Washington Office may authorize or direct.

Sec. 14.4 *Adjustments for lost, destroyed, stolen or spoiled processed foods—(a) Lost, destroyed or stolen processed foods—(1) How to apply.* Any "person" whose processed foods were lost, destroyed or stolen, or taken away by legal process or order of a court, may apply for a certificate for the number of points needed to replace them. The application must be made on OPA Form R-315. A "consumer" who wants a certificate must apply to the board for the place where he lives. Any other person must apply to the board with which he is registered (or to the Washington Office, if he is registered there). The application must give:

(i) A description of the processed foods he wishes to replace, showing their point value;

(ii) A description of the way in which they were lost, destroyed, stolen, or taken away.

He must also give any other information that the board (or the Washington Office) may request.

(2) *Action on application.* If the board (or the Washington Office) finds the statements made in the application to be true, it will issue to him a certificate for the number of points needed to replace the foods.

(3) *Recovery of lost or stolen foods.* If the applicant gets back any of the processed foods covered by his application, he must give back to the Office of Price Administration, for cancellation, points equal to the point value of the foods he recovered.

(b) *Spoiled processed foods.* Application for replacement of processed foods which spoiled in the applicant's hands before they could be used or transferred may be made under the provisions of section 14.5. Spoiled processed foods not covered by section 10.12 may be replaced by exchanging them for other processed foods of equal point value. However, a "processor" must account in his periodic report (and a country shipper must account in his monthly report) to the Washington Office, for processed foods which spoiled in his hands, or which he took back in an exchange.

Sec. 14.5 *Applications may be made for other adjustments—(a) How to apply.* Any retailer, wholesaler, processor, "country shipper," or "industrial user" who needs an adjustment in his inventory or allotments, or other relief, may apply, on OPA Form R-315, to the board with which he is registered, or to the Washington Office, if he is registered there. He must state in his application all facts which he claims show his need for the adjustment, and the nature and amount of the adjustment he requests. He must also give any other information that the board (or the Washington Office) requests.

(b) *Action on application.* A board may not act upon an application under this section. It must send the application, together with all other information received, to the district office. It may attach its recommendation as to the action to be taken. The district office shall send the file to the Washington Office, for decision, or take such other action as the Washington Office may authorize or direct.

Sec. 14.6 *Wholesaler or retailer may apply for points to replace dry beans, peas, or lentils transferred point-free for seed.* (a) Any wholesaler or retailer who sells or transfers, point-free for use as seed, dry beans, peas, or lentils which were in his inventory on March 1, 1943, or which he acquired for points, may apply on OPA Form R-315 to the board with which he is registered (or to the Washington Office, if he is registered there) for a certificate for the number of points which he would have received if his transferees had given up points for the dry beans, peas, or lentils so transferred.

(b) The application must contain a statement:

(1) Of the amounts of such dry beans, peas, or lentils sold or transferred point-free for seed purposes;

(2) That the applicant did not receive points for the sales or transfers;

(3) Of the number of points which he would have received if his transferees had given up points for the dry beans, peas, or lentils sold or transferred point-free for use as seed; and

(4) Of the dates between which the sales or transfers were made. The total number of points for which application is made must not exceed the total point value of the amounts of dry beans, peas, and lentils which were in the applicant's inventory on March 1, 1943, or which he "acquired" for points and which he sold or transferred point-free for use as seed and of which records are kept as required by section 10.15 (a).

(c) If the board (or the Washington Office) finds the statements made in the application to be true, it will issue to him a certificate for the number of points which he would have received if his transferees had given up points for the dry beans, peas, or lentils sold or transferred point-free for use as seed.

Sec. 14.7 *Person acquiring seed beans, peas, or lentils may transfer them as*

food only for points. (a) Any person who, for sale or transfer, acquired dry beans, peas, or lentils marked or labeled in accordance with any applicable federal or state seed laws (or, if none is applicable, in accordance with the standards stated in the federal seed law), may transfer them for use as food only if the transferee gives up points equal to the point value of the processed foods so sold or transferred.

(b) Points received for dry seed beans, peas, or lentils, acquired point-free for use or transfer as seed but sold or transferred for use as food, may not be used by the transferor for any purpose. They must, within 5 days of the sale or transfer, be given up to the board for the place where the principal business-office of the transferor is located. At the time the points are given up, the transferor must report in writing to the board:

(1) The amounts of dry seed beans, peas, or lentils sold or transferred as food;

(2) The reason that the dry seed beans, peas, or lentils were sold or transferred as food; and

(3) The names and addresses of the persons to whom they were transferred.

ARTICLE XV—ISSUANCE AND USE OF CERTIFICATES AND RATION COUPONS

SEC. 15.1 *How certificates are issued*—(a) *By whom issued.* "Certificates" (OPA Form R-1201) may be issued by the "Washington Office", by a "board", by any authorized officer or representative of the Office of Price Administration, or by any "person" authorized by the Office of Price Administration to issue them. Certificates may be issued only in the cases and for the purposes permitted by this or any other order of the Office of Price Administration.

(b) *How certificates are issued.* The person who issues a certificate must insert, in ink, the words "Processed Foods" in the appropriate space and must sign it and fill in:

(1) The number of points for which it is issued;

(2) The name of the person for whom it is issued; and

(3) The expiration date of the certificate, which is 60 days after the date on which it is issued.

A certificate which is not filled out in this way is not good for the acquisition of processed foods and may not be used or accepted for that purpose.

SEC. 15.2 *Certificates are good for a limited time.* (a) A certificate may not be used by the person for whom it was issued after the date shown on its face. However, a "retailer" who "transferred" processed foods for a certificate may use it to acquire processed foods within ten days after the date shown on its face, if he does not have and is not required to have a ration bank account. Any person who has a ration bank account may deposit a certificate (whether it was issued to him, or received by him for a transfer of processed foods) within twenty days after the date shown on its

face. A certificate is thus not valid for any purpose more than twenty days after the date shown on its face.

SEC. 15.3 *A certificate must be endorsed.* (a) Before it can be used, a certificate must be signed on the back by the person for whom it was issued, or by a person authorized to sign for him, if he cannot write.

(b) Any retailer, "wholesaler" or "processor" who has transferred processed foods for a certificate must sign his name on the back of the certificate before he can deposit or use it.

SEC. 15.5 *Names of persons who have been given certificates may be posted.* (a) A board may post at its office the name of any person to whom it has issued a certificate under this order. However, it shall not do so if it would reveal information of a military character, or information which any public law enforcement or investigating agency wishes to keep confidential.

SEC. 15.6 *Certificates are the property of the Office of Price Administration and may be revoked.* (a) All certificates are the property of the Office of Price Administration, whether or not they have been issued.

(b) The Office of Price Administration may suspend, cancel, or revoke any certificate issued if it finds it in the public interest to do so.

SEC. 15.7 *Sugar purchase certificates may be corrected and used as processed foods purchase certificates.* (a) Where no food ration certificates (OPA Form R-1201) are available, sugar purchase certificates (OPA Form R-306) may be used instead, if the word "sugar" in the title is changed to "processed foods", and the rest of the sentence following the applicant's name and address and ending with "Administration" is changed to read "is issued [amount in words] ([amount in numerals]) points of processed foods". In the upper right corner, "not valid before" shall be changed to "not valid after", and the date inserted there shall be 60 days from date of issue. The date in the lower right corner shall be left blank.

SEC. 15.8 *How ration coupons are issued*—(a) *General.* Whenever a board, district office, or the Washington Office of the Office of Price Administration, or any other person, is authorized to issue one or more certificates to any person, it shall, unless otherwise directed by the Office of Price Administration, issue ration coupons instead, if he is not entitled to have a ration bank account. However, ration coupons may be issued to a retailer who does not have, and is not required, to have, a ration bank account.

(b) *How ration coupons are issued and used.* Ration coupons are coupons designated "ration coupons" which are issued in denominations of 1, 5, 20, 100 and 1,000 points by the Office of Price Administration. Blue ration coupons may be used for the acquisition of all processed foods. They need not be endorsed,

and are good at any time. In all other respects they may be used in the same way as "stamps," certificates and ration checks. However, a person who does not have and is not required to have a ration bank account may use ration coupons to give change to any person other than a consumer, but he may use for this purpose only ration coupons having denominations of 1, 5, or 20 points. (This does not affect the rule that a person who has or is required to have a ration bank account may give up or return points only in the form of a check.)

(c) *Ration coupons are the property of the Office of Price Administration and may be revoked.* (1) All ration coupons are the property of the Office of Price Administration, whether or not they have been issued.

(2) The Office of Price Administration may suspend, cancel, or revoke any ration coupon if it finds it in the public interest to do so.

ARTICLE XVI—RECORDS, REPORTS AND INSPECTIONS

SEC. 16.1 *Records must be kept for two years.* (a) Every "person" must hold, for at least two years, all records which this order requires him to keep.

SEC. 16.2 *Records may be inspected by Office of Price Administration.* (a) All records kept under this order may be inspected by the Office of Price Administration, through any authorized representative. The inspection may be made at a person's place of business during regular business hours. In the case of records kept on forms prepared by the Office of Price Administration, the inspection of those records may be made at any time or place fixed by the Office of Price Administration. Every person required to keep records under this order must keep them available for such inspection.

SEC. 16.3 *Places where processed foods are kept may be inspected.* (a) The Office of Price Administration, through any authorized representative, may at any reasonable time inspect any place where "processed foods" are produced, imported or kept. Any person who produces, imports, or has processed foods, must permit such inspection of the place where he produces, imports or keeps them.

SEC. 16.4 *Records and reports are confidential.* (a) Information and documents obtained from any person under this order will not be disclosed, whether in response to a subpoena or in any other way, except to that person, unless the Administrator (or a representative of the Office of Price Administration designated by him) finds that the requested disclosure is not contrary to law and consents to it.

SEC. 16.5 *Office of Price Administration may extend time for registration and reports.* (a) The "Washington Office" may, for good cause, give any person additional time to file any registration or report which this order requires him to file. Any person who needs more time for filing a registration or report may

apply, in writing, to the Washington Office. He must explain, in his application, why he needs more time. The Washington Office may impose any conditions it finds proper, when it grants such an extension of time.

SEC. 16.6 Office of Price Administration may require applicants to give information. (a) The Washington Office, a "board", or a district director or regional administrator may require any person who files an application or an appeal under this order to appear in person, to bring witnesses and to supply any information needed for passing on his case.

SEC. 16.7 Persons who produce certain items similar to processed foods must file reports. (a) Every person, who, for sale or "transfer" (1) produces fountain fruits, or (2) cans or bottles fruit or vegetable juices in hermetically sealed containers over one gallon and sterilizes them by the use of heat, or (3) cans fish or shellfish in hermetically sealed containers sterilized by the use of heat, or (4) packages dried or dehydrated vegetables or meat stocks whether or not in combination with noodles or other similar paste products, for use as a dried soup or soup base, must file periodic reports on OPA Form R-1305. Such periodic reports must also be filed by the first person, other than a dehydrator or grower of fruit, who "acquires" dried or dehydrated fruit other than dried prunes or "raisins" from a dehydrator or grower of fruit if he is regularly engaged in the distribution of dried or dehydrated fruit and if more than 50 per cent of such fruits sold or transferred by him are sold or transferred to persons other than "consumers." He must give all information as to those items called for by the form.

(b) The first report is for February 1943 and must be filed, by mail, with the Office of Price Administration, care of the Bureau of the Census, Washington, D. C., not later than March 10, 1943. Reports for subsequent reporting periods must be filed not later than eight days after the end of the period.

ARTICLE XVII—ADDITIONAL RECORDS TO BE KEPT BY CHAINS

SEC. 17.1 Chains must keep records of transfers of stocks and points between establishments. (a) Every "person" who has more than one "retail", "wholesale" or "processor establishment" must keep at each establishment (or at the place exercising immediate supervision over that establishment) a record in any convenient form, which shows:

(1) The amount of "processed foods" "transferred" from and "acquired" by that establishment, the date of each transfer or acquisition, and the name and address of the establishment to which the processed foods were transferred, or from which they were acquired. The record must show the amount of processed foods which were transferred and acquired, either by items and sizes, or by point value. (However, no such records need be kept

for transfers of processed foods to "consumers"); and

(2) The number of points received for transfers of processed foods from that establishment, the disposition of those points, and the dates of their disposition. If the records are kept at the place exercising immediate supervision over one or more establishments, a list must also be kept at that place, showing the address of each establishment whose records are kept there.

(b) In addition, he must keep for each ration bank account used by him for more than one establishment, a record showing the number of points deposited in that account by and for each such establishment, and the dates of the deposits.

ARTICLE XVIII—APPEALS

SEC. 18.1 Persons directly affected by action taken under this order can appeal. (a) Any "person" directly affected by the action of a "board", district director or regional administrator, on any application or other matter, may appeal from that action in the way permitted by Procedural Regulation No. 9 of the Office of Price Administration.

(b) This section shall not apply to action taken on any application made under sections 12.4 or 14.5, except action taken by a board, district, or regional office which has been authorized by the Office of Price Administration to grant or deny such application.

ARTICLE XIX—MISCELLANEOUS RULES AND PROHIBITIONS

SEC. 19.1 Additional prohibitions. (a) No "person" shall use points unless he has received them in a way permitted by this or any other order of the Office of Price Administration.

(b) No person shall "transfer", "acquire", use or possess "processed foods" except in a way permitted by this or any other order of the Office of Price Administration.

(c) No person shall give or transfer points, a "stamp" or a "certificate" to any other person, except in a way permitted by this or any other order of the Office of Price Administration.

(d) No person may transfer processed foods for a stamp, certificate or ration check if he knows or has reason to believe that it is not valid or that the person tendering it is not entitled to use it.

(e) No person shall have a stamp, certificate or ration check in his possession except the person (or agent of the person) to whom it was issued or by whom it was acquired in a way permitted by this or any other order of the Office of Price Administration.

(f) No person shall deface, mutilate, or destroy any stamp, certificate or ration check, except where permitted by this or any other order of the Office of Price Administration. A defaced or mutilated stamp, certificate or ration check is not valid for any purpose.

(g) No person shall counterfeit, forge, or alter a stamp, certificate or ration check, and no person shall transfer, acquire, possess or use a counterfeited,

forged or altered stamp, certificate or ration check.

(h) No person shall offer, solicit, attempt or agree to do, or assist in doing, any act in violation of this order.

(i) Paragraphs (b), (c), (e), (f) and (g) of this section do not apply to public officials who do any of those acts in the performance of their public duties.

(j) No person shall, in any registration, report, application, or other statement or record made pursuant to or required by this order, make any untrue statement of fact, or omit to state any fact which is required to be stated or which is necessary to make a statement not misleading.

(k) No person shall, after demand, withhold a stamp, certificate or ration check from the person who is entitled to have it.

(l) No person shall sell or transfer any item of processed foods at a price in excess of the applicable maximum price established for that item by the Office of Price Administration.

(m) Beans, lentils, or peas acquired point-free for use as seed shall not be used by any person as food.

SEC. 19.2 Stamps and certificates may not be taken by legal process or acquired by will. (a) No stamp, certificate or ration check, or any interest in it, may be taken or seized by judicial process or by any court order.

However, a person to whom a war ration book or a certificate has been issued may bring a legal proceeding to recover it from any person who is wrongfully in possession of it. He may, as part of that proceeding, take or seize it by judicial process or court order.

(b) No stamp or certificate, or any interest in it, may be transferred or acquired by inheritance or by will.

SEC. 19.3 Office of Price Administration must be notified of legal proceedings. (a) Any person who has a stamp, certificate or ration check must notify the district office of the Office of Price Administration immediately after the beginning of any legal proceeding involving that stamp, certificate or check.

SEC. 19.4 General Ration Order 5 governs whenever inconsistent with this order. (a) If any provision of this order is inconsistent with the provisions of General Ration Order 5, the provisions of General Ration Order 5 shall govern, and shall supersede the provisions of this order to the extent that they are inconsistent.

SEC. 19.5 References to Ration Order 13 deemed references to Revised Ration Order 13. (a) References to Ration Order 13 in any order, amendment, rationale, form, or other document shall be deemed references to Revised Ration Order 13.

ARTICLE XX—SUSPENSION ORDERS

SEC. 20.1 Office of Price Administration may issue suspension orders. (a) Any "person" who violates this order may, by administrative suspension order, be prohibited from receiving any

"transfer" or delivery of, or from selling or using or otherwise disposing of, any "processed food" or other rationed product or facility. Such suspension order shall be issued for such period as in the judgment of the Administrator, or such person as he may designate for such purpose, is necessary or appropriate in the public interest and to promote the national security.

ARTICLE XXII—EXPORTS

Sec. 22.1 Processed foods may be exported point-free. (a) Any "person" who exports "processed foods" to any foreign country or to any territory or possession of the United States (other than the District of Columbia) need not receive points for the export.

Sec. 22.2 Points may be obtained to acquire processed foods for export. (a) A person who needs points with which to "acquire" processed foods for export to any foreign country or to any territory or possession of the United States (other than the District of Columbia), may apply, on OPA Form R-315, to the district office for the place where his principal business office is located. The application must show:

- (1) His name and business address;
- (2) The port (or other shipping point) from which they will be shipped, and the method of shipment;
- (3) The name and address of the person to whom the foods are to be exported; and
- (4) The number of points needed.

He must also give any other information which the district office may request. However, military or naval information which is secret in nature need not be disclosed.

(b) If the district office finds that the processed foods will be acquired for export, it shall issue a "certificate" for the number of points needed.

(c) No person may use processed foods acquired for a certificate issued under this section, for any purpose other than export to a foreign country or to a territory or possession of the United States (other than the District of Columbia). However, if he is unable to export them, he may dispose of them by sale or transfer in the way a "retailer" is permitted to do so under this order. Immediately after such a sale or transfer, he must give up to the district office all points received for them.

Sec. 22.3 Exporter must account for all processed foods exported. (a) Any person who exports processed foods (other than a "consumer" who acquired them with his "stamps") must submit a copy of a Shippers' Export Declaration (Commerce Form 7525) to the Office of Price Administration within seven days after the export. The declaration must contain a list of the processed foods exported and must contain a signed statement by an authorized customs official that, to the best of his knowledge and belief, those processed foods were exported by such person. A "processor", or a "wholesaler" who did not receive an advance of points under section 22.2 must

mail the declaration to the "Washington Office" along with his report for the reporting period in which he exported the processed foods. Any other person must send the declaration to the district office.

(b) If the foods were consigned to an agency of the United States and no Shippers' Export Declaration was filed at the time of the shipment the exporter may submit, instead of the declaration, a bill of lading, manifest, or other satisfactory evidence that the foods were actually exported.

(c) A person who received an advance of points under section 22.2 must account to the district office within thirty days for all the points he received. At that time he must return any points which he did not use to acquire processed foods for export. If, within that time, he exported all the processed foods which he acquired with the points received, he need only submit the declaration or other evidence of export.

(d) A "retailer" or wholesaler who exported processed foods and who did not receive an advance of points under section 22.2 may, when he submits the declaration or other evidence of export, apply on OPA Form R-315 for points equal to the point value of the processed foods he exported. If the district or the Washington Office finds that the stated amount of processed foods was exported by the applicant and that he has not already received points with which to acquire or replace them, it shall issue a certificate to him for the number of points needed to replace the processed foods which he exported.

(e) An agency of the United States which has exported processed foods need not submit a declaration or other evidence of export, and need not account for an advance of points under section 22.2.

ARTICLE XXIII—EXEMPT AGENCIES; SHIPS' STORES; GOVERNMENTAL INVESTIGATORY AGENCIES

Sec. 23.1 Exempt agencies may acquire processed foods. (a) Nothing in this order restricts the amounts of "processed foods" which may be "acquired" by the Army, Navy, Marine Corps or Coast Guard of the United States or by the Maritime Commission, War Shipping Administration, Office of Lend-Lease Administration or Food Distribution Administration. (These agencies are referred to in this order as "exempt agencies" and are exempt agencies for the purpose of General Ration Order 3B.) In addition, the Army Exchange Service, to the extent it acquires processed foods for export to a foreign country or a territory or possession of the United States (except the District of Columbia), and ships' service departments afloat, are exempt agencies under this order and General Ration Order 3B, and may acquire processed foods without restriction as to quantity.

Sec. 23.2 How exempt agencies acquire processed foods. (a) Each of the agencies listed in section 23.1 is au-

thorized to open one or more exempt ration bank accounts of the type described in General Ration Order 3B. Processed foods may be "transferred" to and acquired by these agencies only in exchange for points in the form of ration checks equal to the point value of the processed foods transferred. However, processed foods may be transferred between or within these agencies without the surrender of points.

(b) Any "person" who transfers processed foods to any of these agencies must, at or before the time of delivery, submit to it an invoice or other statement for the points payable on account of the transfer. The ration check must be sent to the transferor by the time of delivery or as soon as practicable thereafter.

(c) If for any reason a ration check cannot be used when one of these agencies acquires processed foods, an emergency acknowledgment shall be given to the transferor, instead of a check. This acknowledgment may be in any form, but must show the name of the agency, the name and address of the activity within the agency for which the processed foods are acquired, the name and address of the activity to which the emergency acknowledgment must be sent for replacement by a ration check, the point value of the processed foods acquired, and the date of acquisition. The acknowledgment must be signed by an authorized officer or employee of the agency, and must show his official title or rank. A person to whom such an acknowledgment is given may not exchange it at a "board" or use it to acquire processed foods but must send it to the agency activity designated thereon, and a ration check for the amount of processed foods transferred shall be given to him in exchange for the acknowledgment.

Sec. 23.3 Post exchanges and ships' service departments ashore may acquire processed foods for points. (a) Processed foods may be transferred to and acquired by Army exchanges, post exchanges of the Marine Corps, ships' service departments ashore of the Navy and Coast Guard, commissary stores and ships' service departments of the Training Organization of the War Shipping Administration, and other similar activities designated by the respective exempt agencies, only in exchange for points in the form of ration checks equal to the point value of the processed foods transferred, without regard to who transfers them. However, these activities may not open ration bank accounts with unlimited drawing privileges of the type described in General Ration Order 3B. Points needed by these activities for the acquisition of processed foods will be issued to them in accordance with arrangements between the Office of Price Administration and the Army Exchange Service of the United States War Department, the Bureau of Naval Personnel of the Navy Department, the Coast Guard and the Marine Corps, and the Training Organization of the War Shipping Ad-

ministration. (The issuance of points for use by Army exchanges, post exchanges and ships' service departments ashore for the acquisition of processed foods for institutional use is covered by General Ration Order 5.)

(b) Any person who transfers processed foods to any of the activities enumerated in paragraph (a) must, at or before the time of delivery, submit to it an invoice or other statement for the points payable on account of the transfer. The ration check must be sent to the transferor by the time of delivery or as soon as practicable thereafter.

(c) Points may be transferred freely without a transfer of processed foods among ration bank accounts maintained for Army exchanges, among accounts maintained for post exchanges, among accounts maintained for ships' service departments ashore of the Navy, among accounts maintained for commissary stores and ships' service departments of the Training Organization of the War Shipping Administration, and among accounts maintained for ships' service departments ashore of the Coast Guard.

(d) During March 1943, Army exchanges, Post Exchanges, Ships' Service Departments Ashore, and similar designated activities, may, if ration checks are unavailable, use emergency acknowledgments to acquire processed foods, in the way described in section 23.2 (c). An emergency acknowledgment issued under this section may not be used by the person to whom it was issued to acquire processed foods, but must be exchanged for a ration check at the activity designated thereon.

SEC. 23.4 *Sales commissaries, post exchanges and ships' service departments ashore may transfer processed foods for points.* (a) Army exchanges, post exchanges, ships' service departments ashore, sales commissaries, commissary stores, and any other activity of the Army, Navy, Training Organization of the War Shipping Administration, Marine Corps or Coast Guard and the Food Distribution Administration may transfer processed foods only in exchange for points in the same way as "retailers" are permitted to make transfers under this order. However, they are not required to register as retailers, "wholesalers", or "processors".

(b) All points so received by Army exchanges, post exchanges, ships' service departments ashore, sales commissaries, commissary stores, or any other activity of the Army, Navy, Training Organization of the War Shipping Administration, Marine Corps or Coast Guard or by the Food Distribution Administration must be deposited in the ration bank accounts maintained for them. These points may then be used to acquire other processed foods.

SEC. 23.5 *Veterans' Administration and Coast and Geodetic Survey may apply for allotments under General Ration Order 5.* (a) Allotments of processed foods for the Veterans' Administration and the Coast and Geodetic Survey will be granted in accordance with the provisions of General Ration Order 5.

SEC. 23.6 *Industrial users may replenish foods used in products transferred to agencies designated in General Ration Order 11.* (a) Any "industrial user" who, before July 1, 1943, transfers to any exempt agency any products which he manufactured after February 23, 1943, in the manufacture of which he used processed foods may apply to and obtain from his board a "certificate" equal in point value to the processed foods used by him in such products. The application shall be made on OPA Form R-315, on or before August 1, 1943, and shall set forth the nature and amount of the products, the time when the products were manufactured, the date when such products were transferred and the amount of processed foods he used in such products. The application shall be accompanied by such evidence of transfer to the exempt agency as the board may require. If a certificate is issued under this section, the industrial users allotment for the allotment period in which it is issued shall be considered increased by the amount of the certificate.

(b) Any industrial user who used a processed food in products which are acquired on or after July 1, 1943, by any of the designated agencies covered by General Ration Order 11, may apply for replacement or advance of such processed foods under the conditions and in accordance with the procedure set forth in General Ration Order 11.

SEC. 23.7 *Ships' and planes' stores.* (a) Processed foods may be acquired for use as ships' and planes' stores under the provisions of General Ration Order 5.

(b) Any operator of a vessel or plane to whom a statement has been issued by a Collector of Customs (or Military Officer) under section 21.2 or 21.3 of General Ration Order 5 may acquire processed foods up to the amount authorized thereon without surrendering points. Any retailer, wholesaler or processor may, in exchange for the statement, transfer to the operator of the vessel or plane, without getting points, processed foods up to the amount specified on the statement.

(c) A retailer or wholesaler may exchange such statement for a certificate, at his board. He must attach to the statement a signed receipt, invoice, or other evidence to prove the transfer of the processed foods. If the board is satisfied that the processed foods were transferred as ships' or planes' stores, it shall issue a certificate to the retailer or wholesaler for the number of points needed to replace the processed foods transferred. A processor must send the Customs Collector's (or Military Officer's) statement and the attached receipt or other evidence with his periodic report (on OPA Form R-1305) to the Office of Price Administration, care of the Bureau of Census, Washington, D. C.

(d) An airplane operator who has been allowed an operating inventory under section 21.4 of General Ration Order 5 may exchange for a certificate a statement issued by a Collector of Customs (or Military Officer) under section 21.3

of that order at a board covering any area where the operator maintains an office.

SEC. 23.8 *Governmental investigatory agencies may acquire processed foods needed in their investigations.* (a) An investigatory agency of the United States or of any State or local government which needs processed foods in order to perform its inspections or investigations may apply for points to acquire them. The application must be in writing, on an official letterhead of the agency (if any is available), and must state the name of the agency, the purpose for which points are needed, the period during which they are needed, and the number of points required. An agency of the United States may make its application to the "Washington Office," or to any district office. An agency of a State or local government shall apply to the district office. If the district or Washington Office finds that points are needed in order to carry on the investigatory activities of the agency, it shall issue one or more certificates for the number of points required.

(b) The Food and Drug Administration of the Federal Security Agency (which is hereby designated an exempt agency for this purpose) may open one or more exempt ration book accounts of the type described in General Ration Order 3B. However, it may issue ration checks against those accounts only to acquire processed foods which are needed for inspection or investigation.

(c) Any government agency which acquires processed foods for purposes of inspection or investigation may, after they have served the purpose for which they were acquired, dispose of them to any federal, state or local institution without receiving points for them. The institution which receives the processed foods shall report in writing the amount received and the date on which it was received to the district office for the area in which it is located. Its allotment shall not be regarded as increased by such acquisition.

SEC. 23.9 *Issuance and use of checks by Extension Service of Department of Agriculture.* (a) The Extension Service of the Department of Agriculture may open a ration bank account. It may deposit in that account ration checks issued to it by the Office of Price Administration for food demonstrations, and may issue checks on that account to any State Director of a State agricultural Extension Service.

(b) A State Director of a State agricultural Extension Service may open a ration bank account. He may deposit in that account ration checks issued to him by the Extension Service of the Department of Agriculture for food demonstrations, and may issue checks on that account to persons who may use the points to acquire processed foods covered by the order. Such foods may be used only for the purpose of demonstrations sponsored by the State agricultural Extension Service.

(c) A person who receives a check from a State Director of a State agricultural Extension Service may exchange that check for one or more certificates or ration coupons at any board.

ARTICLE XXIV—GROWERS AND COUNTRY SHIPPERS OF DRY BEANS, PEAS, AND LENTILS

SEC. 24.1 *Explanation of terms grower and country shipper with respect to dry beans, peas, and lentils*—(a) *Grower*. Any "person" who, for sale or "transfer", grows or produces dry beans, peas, or lentils for his own account or for the account of himself and others, is a "grower" with respect to the dry beans, peas, and lentils grown or produced by him. However, if he is a "country shipper", he is a country shipper even with respect to the dry beans, peas, and lentils grown or produced by him.

(b) *Country shipper*. A country shipper is:

(1) The first person who "acquires" dry beans, peas, or lentils in their raw dry state from a grower for purposes of sale or transfer if such person is regularly engaged in the distribution of such dry beans, peas, or lentils and if more than fifty percent of the dry beans, peas, and lentils sold or transferred by him are sold or transferred to persons other than "consumers", "retailers", or "industrial" or "institutional users"; or

(2) A person who imports dry beans, peas, or lentils for purposes of sale or transfer.

NOTE: Such person is a country shipper whether he acquires the dry beans, peas, or lentils by warehouse receipt, or otherwise. A person operating a warehouse in which dry beans, peas, or lentils are sorted or cleaned for the account of another person is not a country shipper unless the warehouseman acquires title to the dry beans, peas, or lentils.

(c) *Country shipper may not be grower, processor, wholesaler or retailer*. A person who is a country shipper is not considered to be a "grower", "processor", "wholesaler", or "retailer" with respect to dry beans, peas, or lentils, nor may he include dry beans, peas, or lentils in the inventory or transfers of any of his processor, wholesale, or "retail establishments". (Any country shipper who is also a processor of other "processed foods" is covered by Article III with respect to the other processed foods and by Article XXIV with respect to dry beans, peas, and lentils. Similarly any country shipper who is also a wholesaler or retailer of other processed foods is covered by Article IV or Article V with respect to the other processed foods and by Article XXIV with respect to dry beans, peas, and lentils.)

SEC. 24.2 *Country shippers must register and file reports*—(a) *Registration*. Every country shipper of dry beans, peas, or lentils must register with the Office of Price Administration by filing OPA Form R-1303 at any time before April 20, 1943. The form must be completed and signed by the country shipper or his authorized agent.

(b) *Reports*. Every country shipper of dry beans, peas, or lentils must file a monthly report, also on OPA Form R-

1303, covering his operations during the month before. The reports must be signed by him or his authorized agent. His first report will cover March 1943, and will be his registration. Reports for each subsequent month must be filed within 20 days after the end of the month. Any country shipper of dry beans, peas, or lentils who is also a processor of other processed foods must file reports on both OPA Form R-1305 and OPA Form R-1303.

(c) *Some country shippers need not file reports for months after March 1943*. A country shipper of dry beans, peas, or lentils who handled less than 10,000 pounds of dry beans, peas, and lentils during 1942 must register but need not file a report for any month after March 1943. However, if the dry beans, peas, and lentils transferred by him in 1943 reach a total of 10,000 pounds, he must file reports beginning for the month in which that figure was reached.

(d) *Country shippers must give information called for by form*. Country shippers of dry beans, peas, or lentils must give all the information called for by OPA Form R-1303.

(e) *Registration and reports must be filed in Washington*. The country shipper's registration and monthly reports must be filed by mailing OPA Form R-1303 to the Office of Price Administration, care of the Bureau of the Census, Washington, D. C. The form is considered filed on time if the envelope is postmarked on or before the last day it is due.

SEC. 24.3 *Country shipper is given a registration number*. (a) After a country shipper of dry beans, peas, or lentils has registered, the "Washington Office" will send him a card giving him his registration number. After he gets the registration number, he must use it on each report, invoice, or similar document prepared in connection with any sale or transfer by him of dry beans, peas, or lentils. (A country shipper who is also a processor of other processed foods will receive two registration numbers. He will receive one registration number as a processor when he registers by filing OPA Form R-1305. That number must be used on his documents prepared in connection with his sales or transfers of processed foods other than dry beans, peas, and lentils. He will receive a different registration number when he registers by filing OPA Form R-1303. That second number must be used on his documents prepared in connection with his sales, transfers, and acquisitions of dry beans, peas, or lentils.)

SEC. 24.4 *Country shipper may not do business if he does not register and file reports*. (a) No country shipper may transfer or acquire dry beans, peas, or lentils after April 20, 1943 unless he has registered in the manner required.

(b) No country shipper may transfer or acquire dry beans, peas, or lentils after any date on which a report is due from him, unless he has filed that report.

SEC. 24.5 *Country shippers must report their inventories*. (a) As part of

his registration and monthly reports, a country shipper must report his inventory.

(b) A country shipper's inventory consists of all dry beans, peas, and lentils owned or possessed by him, or in transit to him. However, the following items are not part of that inventory:

(1) Dry beans, peas, or lentils stored for the account of persons other than his purchasers or transferees;

(2) Dry beans, peas, or lentils held by him as security for a loan made by him to another (or similar transaction); or

(3) Dry beans, peas, or lentils in transit to him for either of those purposes.

SEC. 24.6 *A country shipper must turn over the points he receives to the Washington office*. (a) A country shipper is permitted to use points he receives for sales or transfers of dry beans, peas, or lentils only to acquire dry beans, peas, or lentils.

(b) A country shipper must give up to the Office of Price Administration for cancellation, all points he receives for sales or transfers of dry beans, peas, and lentils. Not later than the 20th day of every month he must issue and mail to the Office of Price Administration, care of the Bureau of the Census, Washington, D. C., his certified ration check (payable to the Office of Price Administration) for all those points he received during the month before. A country shipper who is required to file monthly reports on OPA Form R-1303, must attach his check to the report. A country shipper who does not have to file monthly reports must send his check in a sealed envelope, enclosing a statement showing his name, principal business address, and registration number.

(c) A country shipper who used some of those points to acquire dry beans, peas, or lentils must issue and send his check for the rest. He must enclose with his check a statement giving the name and address of each person from whom he acquired dry beans, peas, and lentils for points and their point value.

SEC. 24.7 *A country shipper must keep records*. (a) Beginning April 1943, every country shipper of dry beans, peas, or lentils must keep at his principal business office a record showing:

(1) All dry beans, peas, and lentils acquired by him;

(2) All dry beans, peas, and lentils sold or transferred for points;

(3) All dry beans, peas, and lentils sold or transferred for purposes of seed;

(4) All dry beans, peas, and lentils sold or transferred point-free to other country shippers; and

(5) All weight adjustments.

(b) He must also keep, at his principal business office, a copy of his registration and of his monthly report on OPA Form R-1303 (if any are required).

(c) In addition, at the time of any change in the point value of dry beans, peas, or lentils, every country shipper must make a record of the amount of that item which he has in his inventory. The record must show the point value of the item before and after the change

and the amount by which the point value of his inventory was increased or decreased as a result.

Sec. 24.8 *Country shippers must open a ration bank account.* (a) Every country shipper must open at least one ration bank account for his operations in dry beans, peas, and lentils. If he has more than one business office, he may, if he wishes, open a separate account for each or for any group of them.

Sec. 24.9 *Growers who sell or transfer dry beans, peas, or lentils to persons other than country shippers must do so only for points.* (a) Any grower, who sells or transfers dry beans, peas, or lentils directly to persons other than country shippers, must do so only for points equal to the point value of the dry beans, peas, and lentils sold or transferred.

(b) Points, received by a grower as a result of sales or transfers of dry beans, peas, or lentils directly to persons other than country shippers, may not be used by the grower for any purpose. They must, between the 1st and 10th days of the following month, be given up to the "board" for the place where the dry beans, peas, or lentils were grown.

ARTICLE XXV—ACQUISITION OF PROCESSED FOODS BY RESIDENTS OF MEXICO

Sec. 25.1 *Residents of Mexico may acquire processed foods in the United States.* (a) Any "person" who resides in Baja California, Mexico, within ninety kilometers of the border between Mexico and the United States, or in any other part of Mexico within twenty kilometers of that border, may apply for points to "acquire" "processed foods" in the United States. The application must be made, in person, on OPA Form R-183, to the "board" whose office is nearest his customary point of entry into the United States, or if the applicant is unable to apply to the board because of inadequacy of transportation, to the customs officer in charge of his customary point of entry. A single application must be made by the applicant for himself and for all members of his family unit (that is, for all persons living in his household who are related to him by blood, marriage, or adoption) who wish to acquire processed foods. An application may be made by a person under 18 years of age only if he is the head of a household or is not a member of a family unit. However, anyone who can complete the application may sign or present it as agent for an applicant who is unable to appear.

(b) The application must be signed by the applicant or his agent and must show:

- (1) His name, address and age;
- (2) The names and ages of all persons living in his household who are related to him by blood, marriage or adoption and who wish to acquire processed foods;
- (3) The name and address of the "retailer", "wholesaler", "processor", "country shipper", or "grower" from whom the processed foods are to be acquired; and
- (4) The serial number of the Non-Resident Alien's Border Crossing Identification Card, if any, or of the passport,

if any, bearing either a visa for entry into the United States or a notation showing that such a visa has been issued for use by the applicant, and of any cards or passports issued for use by the persons included in the application. The applicant shall present them, if any have been issued, to the board (or Customs Officer) at the time he makes his application. He shall also give any other information which the board or Customs Office may request.

(c) If the board (or Customs Officer) finds that the persons covered by the application reside in Mexico, within the area described in paragraph (a), and desire to acquire processed foods in the United States, it shall grant the application and shall issue yellow punch cards (OPA Form R-184) as provided in this article. (Applicants who have received certificates for a period prior to July 1, 1943, may obtain yellow punch cards for a subsequent period by returning to the board (or Customs Officer) the duplicate copies of such certificates, in accordance with paragraph (m).)

(d) The monthly ration of processed foods for each of the persons for whom the application is granted shall be 48 points. Yellow punch cards shall be issued for periods of two calendar months, beginning July 1, 1943. However, a card shall be issued for only one calendar month, if it is issued in August 1943 or in any second month thereafter, unless it is then issued for the next two month period. The full monthly ration shall be allowed for the month in which the application is made regardless of the time of the month when it is made, if a ration is desired for that month.

(e) One yellow punch card shall be issued for all persons included in the application. However, if there are more than 5 such persons, one additional yellow punch card shall be issued for each additional 5 persons or less. The board (or Customs Officer) shall indicate the number of persons for whom the card is issued by perforating the appropriate box on the top of the card. For each person fewer than 5 for whom a card valid for two months is issued, the board (or Customs Officer) shall remove two of the horizontal strips, each containing the numbers 1 to 48, starting at the bottom of the card. For each person fewer than 5 for whom a card valid for one month is issued, the board (or Customs Officer) shall remove horizontal strips starting at the bottom of the card, in sufficient number to leave as many strips attached to the card as there are persons for whom the card is issued.

(f) The board (or Customs Officer) shall indicate the period for which the yellow punch card is valid by perforating the appropriate boxes under the words "Ration for". The name and address of the applicant and of the retailer, wholesaler, processor, country shipper or grower from whom the processed foods will be acquired shall be written by the board (or Customs Officer) in the spaces on the card provided for that purpose. If the applicant has a Non-Resident Alien's Border Crossing

Identification Card, or passport bearing either a visa for entry into the United States or a notation showing that such a visa has been issued, the board (or Customs Officer), at the time a yellow punch card is issued, shall endorse the letter "R" upon these immigration papers and upon the immigration papers, if any, of the other persons included in the application. A validation stamp (OPA Form R-123) shall be pasted on the reverse side of each yellow punch card issued.

(g) If the board (or Customs Officer) which issued a yellow punch card is not the board for the area in which the supplier designated on the card is located it shall notify the supplier's board of the issuance by following the procedure indicated below:

(1) If the card is issued pursuant to an application on OPA Form R-183, it shall send to the supplier's board a copy of the application, with a notation of its action.

(2) If the card is issued upon surrender of an expired certificate or yellow punch card, without a new application on OPA Form R-183, as provided in paragraph (m), it shall send the expired card or certificate to the supplier's board.

(h) Between the 10th and the 15th of July 1943, and between the 10th and 15th day of every second month thereafter, each board shall send a "certificate" to each retailer, wholesaler, processor, country shipper or grower within its area entitled thereto, who has been designated on yellow punch cards for which he has not previously been given a certificate. However, no certificate shall be issued to any such supplier until he has submitted to the board the reports required by section 25.3.

(i) Each certificate issued under paragraph (h) in July 1943, shall be for the number of points computed in the following manner:

(1) Add the number of points allowed by all the yellow punch cards on which the supplier has been designated, issued prior to July 10, 1943;

(2) Deduct from that total the number of points, if any, which the supplier owes. The number of points which he owes, is the total number of points given him by certificates previously issued under this Article, less the point value of all processed foods transferred by him to residents of Mexico, prior to July 1, 1943.

(j) Each certificate issued under paragraph (h) in September 1943, or in any second month thereafter, shall be for the number of points computed in the following manner:

(1) Add the number of points allowed by all the yellow punch cards on which the supplier has been designated, issued before the 10th day of the current month and after the 9th day of the second preceding month, and for which no certificate has previously been issued.

(2) Deduct from that total the number of points, if any, which the supplier owes. The number of points which he owes is the total number of points given him by all certificates previously issued to him

under this Article, less the point value of all processed foods transferred by him to residents of Mexico, up to the end of the preceding month, pursuant to this Article.

(k) For the purposes of paragraphs (i) and (j) only, a yellow punch card issued by a Customs Officer or a board other than the supplier's board shall be considered issued on the date when the supplier's board receives the information as to issuance, as provided in paragraph (g).

(l) A retailer or wholesaler designated on any yellow punch card issued to an applicant at any time other than between the 1st day and the 9th day of July 1943, or of any second month thereafter, may apply to his board for a certificate to cover that card. His application need not be on any particular form. He must show that he will be unable to acquire sufficient processed foods to meet consumer demand under rationing if he waits until the next regular period for issuance of certificates under paragraph (h). The board may give him a certificate for the number of points allowed by any such cards.

(m) Upon expiration of a certificate issued under section 25.1 (c) as it read prior to July 1, 1943, or of any yellow punch card, or after the full number of points provided by such certificate or card have been used by the applicant or members of his family unit to acquire processed foods, the board (or Customs Officer) shall issue a yellow punch card for a subsequent period, but only if the applicant returns the expired duplicate certificate or card to it. The applicant shall, not later than five days after the expiration of any certificate or yellow punch card issued to him, return the duplicate of the certificate, or the card, to the board (or Customs Officer), either in person or by mail. However, if the duplicate certificate or yellow punch card has been lost, destroyed or stolen, a supplier's statement given to the applicant before July 1, 1943, under section 25.2 as it read prior to that date, or a white punch card given to the applicant by his supplier as provided in section 25.2 as amended, may be returned to the board (or Customs Officer) instead. If the applicant has not received such a statement or a white card, a board may waive compliance with this requirement. No new application is required for the issuance of a yellow punch card to replace an expired yellow punch card or an expired certificate issued for a period prior to July 1, 1943, unless, since the date of the last application, there has been a change in the number of members of the applicant's household related to him by blood, marriage or adoption who wish to acquire processed foods. Acceptance by applicant of a yellow punch card to replace an expired card or certificate shall constitute a representation by the applicant that the number of such persons has not been reduced.

(n) An applicant may apply to the board (or Customs Officer) where his original application was made, to change the retailer, wholesaler, processor, coun-

try shipper or grower from whom he acquires processed foods. However, no application for such a change shall be made with respect to any currently valid yellow punch card unless the supplier designated on the card refuses to transfer processed foods against it under section 25.2. Any yellow punch card thereafter issued to the applicant by the board (or Customs Officer) shall be issued with the name and address of the new supplier written on it in the space provided for that purpose.

SEC. 25.2 *How processed foods may be transferred to residents of Mexico.* (a) Each supplier who has been designated by an applicant as the person from whom processed foods are to be acquired, may transfer to the applicant to whom a yellow punch card has been issued, or to his authorized agent, and the applicant (or his agent) may acquire from the supplier, processed foods up to the number of points allowed by the yellow punch card, at any time during the valid period indicated on the card.

(b) A supplier who transfers processed foods against a yellow punch card shall, at or before the time of his first transfer against that card, make an exact copy of it on a white punch card which will be furnished to him by his board.

(c) Each time a supplier transfers processed foods against a yellow punch card he shall indicate, on the transferee's yellow punch card and upon the duplicate white punch card made out by the supplier, the point value of the processed foods transferred. This is to be done by perforating the appropriate box in the horizontal strip, or crossing out the number in that box, beginning at the bottom of the card, and by removing one strip for each 48 points of processed foods transferred. (For example, if the processed foods first transferred have a point value of 44 points, the supplier is required to perforate the box in the first horizontal strip containing the number 44 or to cross out that number. If the second transfer is for 24 points, the supplier is required to remove the first strip and to perforate the box in the second horizontal strip containing the number 20 or to cross out that number.)

(d) No transfer may be made unless the yellow punch card is presented to the transferor. However, if the applicant or his agent fails to present the yellow punch card on the ground that it has been lost, destroyed or stolen, the supplier may make an exact copy of his white punch card on another white punch card. He shall sign the white punch card which he makes out in this manner. This card may then be used in place of the lost, destroyed or stolen yellow punch card.

SEC. 25.3 *Records and reports by supplier from whom processed foods are to be acquired.* (a) Any retailer, wholesaler, processor, country shipper or grower who has been designated by an applicant as the supplier from whom processed foods are to be acquired shall

maintain and keep at his place of business the white punch card which he is required by section 25.2 (b) to make out for each such applicant. Not later than the 10th day of September 1943 and not later than the 10th day of every second month thereafter the supplier must give his board a written statement showing the total number of points given to him by certificates issued under this Article during the two preceding calendar months and the total number of unused points left on yellow punch cards valid for those months, on which he has been designated as supplier.

SEC. 25.4 *Records and reports by suppliers who transferred processed foods to residents of Mexico before July 1, 1943.* (a) Any retailer, wholesaler, processor, country shipper or grower to whom a certificate has been issued under this Article prior to July 1, 1943, shall maintain and keep at his place of business a record showing the name of each applicant for whom he has received such certificate, the point value of each certificate and of all processed foods transferred against it and the dates of such transfers. Before the 10th day of July 1943, he must give to his board a written statement showing the total point value of all certificates received by him for June 1943 and the total point value of all transfers of processed foods made under such certificates during that month.

ARTICLE XXVI—HOME PROCESSED FOODS

SEC. 26.1 *Explanation of terms home processor and home processed foods—*

(a) *Processed foods produced in kitchen are home processed foods.* "Processed foods" produced in a "kitchen" are "home processed foods".

(1) A "person" is considered to "produce" home processed foods, for the purposes of this Article, if he:

(i) Takes an active part in the processing of such foods; or

(ii) Contributes the fruits or vegetables for processing by others; or

(iii) Contributes facilities, such as steamers, pressure cookers, or the kitchen, to be used by others to produce such foods.

(2) The term "kitchen" means a place used principally for the preparation of meals. It includes a place used principally to teach consumers how to prepare food.

SEC. 26.2 *Person may consume home processed foods he produces and may give away limited amounts—*(a) *Points need not be given up for use.* A person may consume home processed foods he produces, and may let members of his "family unit", and others who eat at his table or on a farm he operates, consume them, without giving up points.

(1) A "family unit" consists of all persons related by blood, marriage, or adoption, who regularly reside in the same household.

(b) *Gifts.* He and the members of his family unit may give (but not sell) such foods to any other person without receiving points, but no more than fifty (50) quarts (or one hundred (100)

pounds) of such foods per member may be given away point-free by the family unit in any calendar year. (One quart of processed foods is considered the equivalent of two pounds.)

SEC. 26.3 A person may sell home processed foods he produces—(a) *He may sell only for points.* A person may not sell or "transfer" home processed foods produced by him (except for those he is permitted to give away point-free under section 26.2 (b)) unless he gets points equal to the point value of the foods so transferred. He must also get points for any gifts made in excess of the amount permitted by section 26.2 (b). (The point value of home processed foods is fixed by Revised Supplement No. 1 to this order.)

(b) *He must keep records and surrender points to board.* For this purpose he need not register as a "processor" or make reports, but must keep a record or any transfer he makes, showing the amount and date of the transfer, and the name and address of the person to whom the transfer is made. If he makes any transfers of home processed foods for points during any month, he must give up the points to his "board," on or before the tenth day of the next month.

SEC. 26.4 Person producing processed foods in place other than a "kitchen" may get permission to treat them as home processed foods—(a) A person may produce processed foods in a place not used principally either for the preparation of meals or for teaching consumers how to prepare food (and hence not a "kitchen" as defined in section 26.1 (a) (2)). Yet the facilities he uses may not differ substantially from those ordinarily found in a "kitchen", and may clearly not be commercial-scale processing facilities. For example, a farmer may have a kitchen in his home, where the meals for his household are prepared, and separate facilities elsewhere on his premises, perhaps in a shed, consisting of a stove, and a steamer or pressure cooker. A person who has such a place and facilities may apply to his board in writing for permission to treat the processed foods produced there as "home processed foods". He shall describe the facilities he intends to use, the purposes for which those facilities are ordinarily used, the total amount of processed foods he expects to produce there, and the disposition to be made of such processed foods.

(b) If the board finds that the facilities to be used are clearly not commercial-scale processing facilities and do not differ substantially from those ordinarily found in a kitchen, it shall notify the applicant that the foods so produced may be treated as home-processed foods. The applicant may then use and transfer them as permitted by sections 26.2 and 26.3 of this order.

SEC. 26.4a Frozen processed foods produced primarily for home consumption may be consumed point-free. (a) A person who produces frozen foods in a place other than a "kitchen" may consume what he produces and may let the

members of his family unit and others who eat at his table or on a farm he operates consume them without giving up points only if he produces them primarily for consumption in his household or on a farm he operates, from fruits or vegetables which he or members of his family unit have grown. In such case, he and the members of his family unit may give (but not sell) such foods to any other person without receiving points, but no more than 50 quarts or 100 pounds of such foods per member may be given away point-free by the family unit in any calendar year. He may not sell or transfer any such foods (except for these permitted gifts) unless he gets points equal to the point value of the foods so transferred. He must also get points for any gifts made in excess of the amount permitted by the last paragraph. (Such foods are not home processed foods, and they may be transferred only at their regular point value, as fixed by Revised Supplement No. 1 to this order, rather than at the point value of home processed foods.) For this purpose, he need not register as a processor or make reports, but must keep a record of any transfer he makes, showing the amount and date of the transfer, and the name and address of the person to whom the transfer is made. If he makes any transfers for points during any month, he must give up the points to his board on or before the tenth day of the next month.

SEC. 26.5 Person may have foods grown by members of his family unit processed by a processor for household consumption—(a) *He may acquire such foods point-free.* A person may "acquire" from a processor, point-free, processed foods produced for him (including foods frozen for him) from foods which he or members of his family unit have grown, if he supplies all the ingredients in an amount necessary to produce such foods. Not more than one hundred (100) quarts of such processed foods per member may be acquired by or for any family unit under this section in any calendar year. He may acquire such processed foods point-free only if he gives to the processor a signed statement that the foods to be processed were grown by a member of his family unit, together with the names of each member of his family unit. The processor shall retain this statement for one year.

(b) *He may consume such foods and give away limited amounts.* He may consume such foods, and let the members of his family unit, and others who eat at his table or on a farm he operates, consume them, without giving up points. He and the members of his family unit may give (but not sell) such foods to any other person without receiving points, but not more than fifty (50) quarts of such foods per members may be given away point-free in any calendar year by the family unit.

(c) *He may sell only for points, and must surrender points he gets to the board.* He may not sell or transfer any of such foods (except for those he is per-

mitted to give away point-free by the last paragraph) unless he gets points equal to the point value of the foods so transferred. He must also get points for any gifts made in excess of the amount permitted by the last paragraph. (Such foods are not home processed foods, and they may be transferred only at their regular point value, as fixed by Revised Supplement No. 1 to this order, rather than at the point value of home processed foods.) For this purpose, he need not register or make reports, but must keep a record of any transfer he makes, showing the amount and date of the transfer, and the name and address of the person to whom the transfer is made. If he makes any transfers for points during any month, he must give up the points to his board on or before the tenth day of the next month.

SEC. 26.6 Consumer groups may acquire and use processed foods they produce in commercial scale processing facilities—(a) *Member of group may acquire his share of processed foods produced.* In some cases, a group of persons may be permitted by the owner or operator of commercial-scale processing facilities to use such facilities after business hours, or during the off-season. Each member of a group which produces processed foods in such facilities primarily for consumption in their households or on farms they operate, may acquire his share of the foods so produced point-free, and without the limitation as to amount established by section 26.5 of this order, but only if:

(1) He produces his share of such processed foods (he produces such share if he participates in the production by doing any of the things described in section 26.1 (a) (1) of this order); and

(2) Neither the person who owns or who normally operates the facilities used, nor an employee of this person, does any of the processing; and

(3) The members of the group have used the same facilities for the same purpose in the past, or if they have not, they use such facilities only to process fruits or vegetables grown by a member of the group, or by a member of his family unit.

(b) *Member of group may apply to board.* Any member of a group which wishes so to produce processed foods in commercial-scale processing facilities may make application to his board in writing on behalf of the group, stating:

(1) The name and address of each member of the group; and

(2) The facts which bring the group under paragraph (a); and

(3) The total amount of processed foods to be produced; and

(4) The disposition to be made of the foods produced.

(c) *Board may approve application.* If the board finds that the group and its members meet all the requirements of paragraph (a) of this section, it shall approve the application.

(d) *Member may acquire and consume his share point-free and give away limited amounts.* Upon receipt of ap-

proval of the application from the board, each member of the group may acquire his share of the processed foods produced by the group point-free, and may consume it, and let the members of his family unit, and others who eat at his table or on a farm he operates, consume it, without giving up points. He and the members of his family unit may give (but not sell) his share to any other person, but no more than fifty (50) quarts of such foods per member may be given away point-free by the family unit in any calendar year. Processed foods produced pursuant to this paragraph are not home processed foods. A member of a group who sells or transfers any part of his share of such foods (except for the amount he is permitted to give away point-free by this paragraph) is considered a processor as to that part. He must register and file the reports required by section 3.2 of this order. He may make such transfers only in exchange for points equal to the regular point value of the processed foods transferred, as fixed by Revised Supplement No. 1 to this order, rather than at the point value of home processed foods.

Sec. 26.7 Certain community groups may apply to Washington Office for an exception—(a) In certain instances, as in the case of some religious groups or sects, communities carry on their activities and produce and distribute foods among their members on a cooperative basis. In such cases, certain members of the community may produce processed foods from fruits and vegetables grown by members, while others produce other types of foods. The various types of foods produced may then be interchanged, but many members of the community who get the processed foods may not have been members of the group which produced them and so may not meet the requirements of this Article. If, in such case, the processed foods are produced exclusively for consumption by members of the community, the group may apply to the Director of the Food Rationing Division, Office of Price Administration, Washington, D. C., for an exception permitting distribution of such processed foods to any members of the community. The application must be in writing, in any form, and must show the manner in which the community operates, the type of facilities used for processing, the source of the foods processed, the amount of processed foods produced, and the class of persons by whom they are produced and to whom they are to be distributed.

(b) The Director of the Food Rationing Division will act on the application according to the circumstances of the case and may, in his discretion, permit distribution of the foods among the members of the community in such manner and under such conditions as he establishes.

Sec. 26.8 Group II and III institutional users may use and transfer processed foods they produce as provided in General Ration Order 5. This Article does not apply to the production of processed foods for use in, or to the use of

processed foods in, Group II or III "institutional user establishments." The production, use, and transfer by Group II or III "institutional users" of home processed foods and of other processed foods they produce, are governed by General Ration Order 5.

Sec. 26.9 Applicability. The provisions of this Article apply whether or not the home processed foods are produced within the forty-eight states of the United States and the District of Columbia.

ARTICLE XXVII—DEFINITIONS

Sec. 27.1 Definitions. (a) When used in this order:

(1) "Acquire" means to accept a "transfer" or to get possession or title in any other way.

(2) "Board" means a war price and rationing board established by the Office of Price Administration.

(3) "Certificate" means a certificate on OPA Form R-1201, or on OPA Form R-306 revised in accordance with section 15.7.

(4) "Consumer" means any "person" who "acquires" "processed foods" for personal use, or for use at a table at which he eats.

(5) "Industrial user" means any "person" who has an "industrial user establishment".

(6) "Industrial user establishment" means any place where a "person" uses "processed foods" in producing or manufacturing, for sale or "transfer", any product which is not a processed food. It also includes any place (except places where processed foods are used for sampling or demonstration in accordance with section 10.9) at which processed foods are used for experimental, educational, testing or demonstration purposes.

(7) "Institutional user" means any "person" who has an "institutional user establishment".

(8) "Institutional user establishment" means an institutional user establishment as defined in General Ration Order 5. (With certain exceptions; it means any place where a "person" uses a rationed food in the preparation of food which he serves to "consumers", or in the service of food to consumers.)

(9) "Person" means not only an individual, but also a partnership, corporation, association, or business trust. It includes a government, government agency and any other organized group or enterprise.

(10) "Processed foods" means:

(i) The following fruits and purees, fruit juices, vegetables and purees, vegetable juices, soups, and baby foods in hermetically sealed containers of any type and sterilized by the use of heat:

FRUITS AND PUREES

Apples (including crabapples).
Applesauce.
Apricots.
Berries.
Cherries.
Cranberries or sauce (whole, strained, or jellied).

Figs.
Fruit cocktail, fruits for salad, or mixed fruits.
Grapefruit.
Peaches.
Pears.
Pineapple.
Plums.
Prunes.

FRUIT JUICES

Citrus juices.
Apricot, peach, or pear juice or nectar.
Grape juice.
Pineapple juice.
Prune juice.

VEGETABLES AND PUREES

Asparagus.
Beans, all types and varieties (including soaked dry beans, pork and beans, lentils, etc.).
Beets (including pickled).
Carrots.
Chili sauce.
Corn.
Greens, leafy (including only beet, collard, dandelion, kale, mustard, poke, or turnip).
Mixed vegetables (containing over 20% by weight of vegetables listed under this subdivision).
Mushrooms.
Peas.
Pumpkin.
Sauerkraut.
Spinach.
Squash.
Tomatoes.
Tomato catsup.
Tomato paste.
Tomato pulp or puree.
Tomato sauces (containing over 5% dry tomato solids).

VEGETABLE JUICES

Tomato juice.
Vegetable juice combinations (containing 70% or more of tomato juice.)

SOUPS

All concentrated canned or bottled soups.
All ready-to-serve (not concentrated) canned or bottled soups.

BABY FOODS

All canned or bottled types and varieties (including custards).

(ii) The following frozen fruits, vegetables, juices, and purees:

Fruits, juices and purees:

Apples	Huckleberries
Applesauce	Loganberries
Apricots	Olympicberries
Blackberries	Peaches
Blueberries	Plums
Boysenberries	Prunes
Cherries	Raspberries
Currants	Rhubarb
Dewberries	Strawberries
Elderberries	Youngberries
Grapes	

Mixed fruits (containing over 20% by weight of fruits listed under this subdivision):

All fruit juices.

Vegetables and purees:

Asparagus	Carrots
Beans, lima	Cauliflower
Beans, prepared dry	Cut Corn
(include baked, boiled, etc.)	Peas
Beans, snap	Pumpkin
Beets	Spinach
Broccoli	Squash
Brussels sprouts	All leafy greens

Mixed vegetables (containing over 20% by weight of vegetables listed under this subdivision).

(iii) Dry beans, peas, and lentils (including dry precooked beans, peas, or lentils with or without added dry or dehydrated condiments, whether such added condiments are mixed with the dry beans, peas or lentils, or packaged with them in a separate envelope or packet).

(iv) Dried prunes and "raisins" and mixed dried fruits (containing over 20% by weight of dried prunes or raisins).

(v) The combination of grated-dehydrated cheese (weighing not more than one and one-half ounces) and rationed tomato sauce, when packed in combination dinners (such as spaghetti or macaroni dinners).

(vi) "Jams," "jellies," "fruit butters," "marmalades" and "preserves."

NOTE: Foods in the above group which are not covered by this order are listed in Appendix A. The foods listed in Appendix A are not "processed foods" as that term is used.

(11) "Processor" means any "person" who has a "processor establishment".

(12) "Processor establishment" means any place where a "person" produces "processed foods" for sale or "transfer." This does not apply, with respect to dry beans, peas, or lentils, to "growers" or to "country shippers."

(1) A person is considered to "produce" if he:

(a) Bottles, cans or packs fruits, fruit juices, vegetables, vegetable juices, soups or baby foods, in hermetically sealed containers and sterilizes them by the use of heat; or

(b) If he subjects fruits, vegetables, or fruit or vegetable juices to a freezing operation as a result of which they become "frozen" food. (NOTE: When unfrozen fruits or vegetables or juices are placed in a locker plant, cold storage warehouse, or other freezing facility, and thus subjected to the freezing process, the place where the foods are frozen is the processor establishment of the person who subjected them to the process, whether or not he is the person who operates the locker plant, warehouse or other freezing facility. In other words, the determining factor is who subjects the foods to the freezing process and not who maintains the process, or who owns the foods.) (However, a person who subjects foods to freezing under the conditions described in section 26.4a of this order is not a "processor" with respect to those foods); or

(c) Packs fruit or vegetable juices from containers over one (1) gallon into hermetically sealed containers of one (1) gallon or less and sterilizes them by the use of heat; or

(d) Precooks dry beans, peas, or lentils; or

(e) Uses processed foods to produce other processed foods.

(f) Makes "jams," "jellies," "fruit butters," "marmalades" or "preserves."

(ii) The first person, other than a dehydrator or grower of fruit, who "acquires" dried prunes or "raisins" from a dehydrator or grower of those fruits is considered to "produce" those processed foods if he is regularly engaged in the distribution of dried prunes or raisins

and if more than 50 per cent of the dried prunes or raisins sold or transferred by him are sold or transferred to persons other than "consumers."

The term "processor establishment" also means any place to which a person imports processed foods into the United States, from any place outside the United States, for sale or transfer. It also includes a place at which a person does not produce or import processed foods, if he regularly keeps there, for sale or transfer, only processed foods which he himself produced or imported.

The term "processor establishment" also means a place where a person keeps, for sale or transfer, processed foods produced or imported by someone else, if the person keeping such processed foods also produces processed foods, whether at that place or elsewhere, and if he does not, in any one calendar year, "acquire" (at all his establishments together, of whatever type) for sale or transfer more processed foods produced or imported by someone else than 10 percent by weight of the processed foods he himself produced or imported in the previous calendar year.

Finally, there is one other case in which a place where a person keeps stocks of processed foods produced or imported by someone else is a processor establishment. If he keeps those stocks at that place just to use them to produce other processed foods, that place is a processor establishment.

(13) "Retail establishment" means any place, (other than a "processor establishment") where a "person" who deals in "processed foods" keeps stocks of those foods for sale or transfer, if more than fifty per cent of those stocks are sold or transferred from there directly to "consumers". Even if the amount sold or transferred from there directly to consumers is fifty per cent or less, it is still a retail establishment in the following case:

(i) If some of those stocks are transferred directly to consumers; and

(ii) If he keeps the rest of the stocks just to supply his own establishments; and

(iii) If no "wholesale establishment" and not more than three retail establishments are supplied from there.

(14) "Retailer" means any "person" who has a "retail establishment."

(15) "Stamp" means a blue stamp in, or taken from a War Ration Book Two or a green stamp in, or taken from a War Ration Book Four.

(16) "Transfer" means to sell, give, exchange, lend, deliver, or consign. It includes any transfer of possession or title, however accomplished, and any movement of goods from one establishment to another. The use by any "person" of "processed foods" which he holds for sale or transfer is considered a transfer of those foods to himself. Also, a transfer takes place when an industrial user uses processed foods which he produced or imported after October 4, 1943. However, delivery to a carrier for shipment is not regarded as a transfer to the carrier; and delivery by the carrier to

the consignee is not regarded as a transfer by the carrier.

(17) "Washington Office" means the national headquarters of the Office of Price Administration, in Washington, D. C.

(18) "Wholesale establishment" means any place (other than a "processor establishment" or a place at which dry beans, peas, or lentils are kept by a "grower" or "country shipper") where a "person" who deals in "processed foods" keeps stocks of those foods for sale or transfer, if fifty percent or more of those stock are transferred from there directly to persons other than "consumers". However, if he keeps the stocks which are not transferred to consumers, just to supply his own establishments, it is a wholesale establishment only if it supplies;

(i) At least one of his wholesale establishments; or

(ii) At least four of his "retail establishments".

(19) "Wholesaler" means any "person" who has a "wholesale establishment".

(20) "Country shipper" means:

(i) The first "person" who "acquires" dry beans, peas, or lentils in their raw dry state from a "grower" for purposes of sale or "transfer" if such person is regularly engaged in the distribution of such dry beans, peas, or lentils and if more than fifty percent of the dry beans, peas, and lentils sold or transferred by him are sold or transferred to persons other than "consumers", "retailers", or "industrial" or "institutional users";

(ii) A person who imports dry beans, peas, or lentils for purposes of sale or transfer.

(21) "Grower" means any "person" who, for sale or "transfer", grows or produces dry beans, peas, or lentils for his own account or for the account of himself and others. Such person is a grower with respect to the dry beans, peas, and lentils grown or produced by him. However, if he is a "country shipper", he is a country shipper even with respect to the dry beans, peas, and lentils grown or produced by him.

(22) "Industrial use" means any use of "processed foods" in producing or manufacturing, for sale or "transfer", any product which is not a processed food.

(23) "Frozen fruit or vegetable" means any fruit or vegetable in which ice crystals have been produced within the body of the fruit or vegetable itself by a process customarily used for that purpose, or by a process intended to produce that result.

(24) "Frozen fruit or vegetable juice" means any fruit or vegetable juice in which some of the liquid has been turned into ice crystals by a process customarily used for that purpose, or by a process intended to produce that result.

(25) "Fruit butter" means:

(i) A product meeting the standards for fruit butter established in the regulations promulgated by the Food and Drug Administration. (5 F.R. 3561); or

(ii) A product sold or "transferred", or held for sale or transfer, or principally used as a fruit butter or an imitation fruit butter, whether or not labelled as such.

(26) "Jam" or "preserve" means:

(i) A product meeting the standards for jams or preserves established in the regulations promulgated by the Food and Drug Administration. (5 F.R. 3554); or

(ii) A product sold or "transferred", or held for sale or transfer, or principally used as a jam or preserve or as an imitation jam or preserve, whether or not labelled as such; or

(iii) [Revoked]

(27) "Jelly" means:

(i) A product meeting the standards for jellies established in the regulations promulgated by the Food and Drug Administration. (5 F.R. 3558); or

(ii) A product sold or "transferred", or held for sale or transfer, or principally used as a jelly or as an imitation jelly, whether or not labelled as such.

(iii) A viscous or semi-solid product containing fruit juice or pectin, which is sold or transferred, or held for sale or transfer, or principally used as a pastry filling, flavoring or topping, whether or not labelled as such.

(28) "Marmalade" means a viscous or semi-solid food product made from citrus fruit, including the rind or peel, and cooked with sugar or other saccharin ingredients; and any product sold or "transferred" or held for sale or transfer, or principally used as a marmalade or imitation marmalade, whether or not labelled as such.

(29) "Citrus marmalade" means a marmalade containing citrus fruit and no other fruit.

APPENDICES

Appendix A. The following foods are not "processed foods" as that term is used in this order:

Apple cider.
Apple juice.
Artichoke paste.
Bean flour.
Beans, lentils, or peas held for sale or transfer exclusively as seed for sowing or planting (and not for human consumption) and marked or labeled in accordance with any applicable federal or state seed laws, or, if none is applicable, in accordance with the standards stated in the federal seed law.
Beans, lentils, or peas which contain not more than 10% sound beans, lentils, or peas; and beans, lentils, or peas infested with insects or otherwise unfit for human consumption.

The by-product, if sold exclusively as animal feed or fertilizer, of milling and sorting or otherwise processing for marketing as seed, and consisting of a mixture of dry beans, peas, or lentils which is not a recognized trade variety (for human consumption) of dry beans, peas, or lentils.

Bitters.
Bouillon cubes and powders.
Brandied, spiced, or pickled fruits packed in hermetically sealed containers.
Bread or cake with raisins including brown bread.

Candied fruits.
Cane syrups.
Capers.
Cereals.
Chili con carne.
Chocolate syrup.

Clam broth.
Clam juice.
Clam juice cocktail.
Condiment sauces (other than those containing a base of tomato products).
Corn-on-the-cob (hermetically packed).
Corn syrup.
Date and nut bread.
Dates (unless packed in hermetically sealed containers and sterilized by the use of heat).
Dehydrated vegetables (hermetically packed).
Dried mushrooms (hermetically packed).
Dry blackeye peas (otherwise known as dry blackeye beans).
Dry cow peas.
Dry garbanzo beans.
Figs (unless packed in hermetically sealed containers and sterilized by the use of heat).
Flaked or dehydrated prunes or raisins containing less than 6% of moisture by weight.
Fountain fruits. Fountain fruits means a product made of fruits (either whole, cut or crushed), added sugar solids constituting at least 40% of the product by weight, and color, flavoring, acidulant or preservative, and which is ordinarily used as an ice-cream topping or dressing, or in the manufacture of ice-cream.
Fruit and vegetable dyes and flavoring extracts, fruit syrups and similar products (other than full strength or concentrated fruit or vegetable juices).
Fruit and vegetable juices in containers over one (1) gallon.
Fruit cakes.
Fruit flavoring bases prepared for use in the further manufacture of products for human consumption and consisting of a combination of fruit juice with one or more of the following added ingredients: acidulant, citrus oil, fruit extract or other flavoring material.
Fruit puddings.
Gravy mixes.
Green turtle soup.
Health foods with wheat, gluten or other cereal or flour base.
Hearts of palm and hearts of artichokes.
Horseradish.
Maraschino cherries.
Marrons and nesselrode.
Meat stews even though containing some vegetables.
Milk.
Mincemeat.
Molasses and bead molasses.
Mustard.
Nectarines and nectar juice and nectar.
Nuts, nut meats and nut milks.
Olives.
Onion soup (hermetically packed).
Oyster soup.
Papaya nectar.
Peanut butter.
Peppers and pimentos.
Pickles; relishes; pickled onions, tomatoes and watermelon; cocktail onions, mushrooms and oranges; and spiced cantaloupe and watermelon.
Pie or pastry cream fillings, with or without fruit flavoring containing corn starch, flour, gelatin, or other similar thickening agent other than pectin.
Popcorn.
Potato salad.
Raisin blows and sweepings. Raisin blows and sweepings means the by-product of the sorting, packaging, or otherwise processing of raisins, and consists of a mixture of cap stems, stalks, over-ripe, under-ripe and damaged raisins, which is not a recognized trade variety of raisins (for human consumption), and which is customarily sold as animal feed or for use in making alcohol.
Raisins dried for sale or transfer in clusters on the original stems.
Raisins packaged in machine made cardboard cartons and weighing less than two ounces.

Root and ginger beer extracts.
Soft drinks containing less than 25% by weight of natural fruit juices.
Soya bean milk and soya bean oil.
Soy sauce.
Spaghetti, macaroni, noodles or similar paste products packed in hermetically sealed containers, even though mixed or combined with added vegetable sauces.
Spices.
Terrapin soup.
Vegetable seasonings including liquid and salts.

Appendix B. The reporting periods for which "processors" and "wholesalers" must prepare and file reports, are as follows:

1. February 1 to February 28, 1943, inclusive (processors only).
2. March 1 to March 31, 1943, inclusive.
3. April 1 to May 1, 1943, inclusive.
4. May 2 to June 5, 1943, inclusive.
5. June 6 to July 3, 1943, inclusive.
6. July 4 to July 31, 1943, inclusive.
7. August 1 to September 4, 1943, inclusive.
8. September 5 to October 2, 1943, inclusive.
9. October 3 to October 30, 1943, inclusive.
10. October 31 to December 4, 1943, inclusive.
11. December 5, 1943 to January 1, 1944, inclusive.
12. January 2 to January 29, 1944, inclusive.
13. January 30 to March 4, 1944, inclusive.
14. March 5 to April 1, 1944, inclusive.
15. April 2 to April 29, 1944, inclusive.
16. April 30 to June 3, 1944, inclusive.
17. June 4 to July 1, 1944, inclusive.
18. July 2 to July 29, 1944, inclusive.
19. July 30 to September 2, 1944, inclusive.
20. September 3 to September 30, 1944, inclusive.
21. October 1 to October 28, 1944, inclusive.
22. October 29 to December 2, 1944, inclusive.
23. December 3 to December 30, 1944, inclusive.

Effective date. This revised ration order shall become effective December 30, 1943.

Note: All reporting and record-keeping requirements of this ration order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 30th day of December 1943.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 43-20710; Filed, December 30, 1943; 4:55 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 1 to GMPR, Amdt. 42]

MOLASSES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 4.3 (h) (1) (vi) is added to read as follows:

(vi) Molasses produced in and imported from Hawaii for use in producing ethyl alcohol.

This amendment shall become effective December 30, 1943.

*Copies may be obtained from the Office of Price Administration.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of December 1943.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 43-20709; Filed, December 30, 1943;
4:52 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 171]

PART 95—CAR SERVICE

SHIPMENTS OF BAUXITE ORE CONCENTRATES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of December, A. D. 1943.

Upon request of the Office of Defense Transportation and it appearing that the loading of box cars with bauxite ore concentrates from the Aluminum Ore Company, Mobile, Alabama, and the assembling and forwarding of the loaded cars from Mobile in trainload lots of 1800 tons, or more, by common carriers by railroad are impeding the use, control, supply, movement, distribution, exchange, and interchange of such cars; in the opinion of the Commission an emergency exists requiring immediate action to prevent a shortage of equipment and congestion of traffic, it is ordered that:

§ 95.326 *Shipments of bauxite ore concentrates*—(a) *Shipments of bauxite ore concentrates to be forwarded within one day (24 hours).* Common carriers by railroad subject to the Interstate Commerce Act transporting in switch and line-haul movement trainload shipments of 1800 tons, or more, of bauxite ore concentrates from the Aluminum Ore Company, Mobile, Alabama, shall forward each individual carload consisting of part of a shipment made under section 1, Item 1050 of Agent L. E. Kipp's I.C.C. 1499, or as amended, from Mobile, Alabama, within one day (24 hours) after the first 7 a. m. after the car is loaded.

(b) *Cars comprising minimum trainload must be moved within three days (72 hours).* Each common carrier by railroad shall forward all carloads comprising minimum trainload shipment mentioned in paragraph (a) of this section from Mobile, Alabama, within three days (72 hours) after the first 7 a. m. after the first car is loaded.

(c) *Exceptions.* Box cars in which mechanical defects have developed after loading.

(d) *Computing time.* In computing the time under this order Sundays and bank holidays shall be included.

(e) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Wash-

ington, D. C., to meet specific needs or exceptional circumstances. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)—(17))

It is further ordered, That this order shall become effective at 12:01 A. M., January 2, 1944; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-20733; Filed, December 31, 1943;
11:20 a. m.]

Notices

TREASURY DEPARTMENT.

Fiscal Service, Bureau of the Public Debt.

[1944 Dept. Circ. No. 654, 2d Rev.]

UNITED STATES SAVINGS BONDS SERIES F AND SERIES G

OFFERING OF BONDS

JANUARY 1, 1944.

I. *Offering of United States Savings Bonds of Series F and Series G.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers for sale, to the people of the United States, through the Federal Reserve Banks, United States Savings Bonds of Series F and Series G, which may hereinafter be referred to as bonds of Series F and Series G. Bonds of a new design, without change in terms, will be provided for issue hereunder in regular course without further notice as stocks of the prior bonds of Series F and Series G become exhausted. The sale of bonds of Series F and Series G will continue until terminated by the Secretary of the Treasury.

2. United States Savings Bonds of Series F and Series G include bonds of any designation issued under this circular as originally published and amended, and those issued under this circular as previously or as now revised. As their terms are identical, no distinction is to be made between any bonds of Series F or Series G so issued.

II. *Description and terms of bonds.*

1. Bonds of Series F and Series G will be issued only in registered form, in denominations of \$25 (for Series F only), \$100, \$500, \$1,000, \$5,000 and \$10,000 (maturity values), at prices hereinafter set forth. Each bond will bear the facsimile signature of the Secretary of the Treasury, and will bear an imprint in color (brown for Series F and blue for Series G) of the Seal of the Treasury. At the time of is-

sue, on the face of each bond, the issuing agent will inscribe the name and address of the owner and the name of the co-owner or beneficiary, if any, will enter the issue date (which is the first day of the month in which payment of the issue price is received by the Treasury or an authorized issuing agent), and will imprint his dating stamp (to show the date the bond is actually inscribed). Bonds of Series F and Series G shall be valid only if duly inscribed and dated, as above provided, and delivered by an authorized agent following receipt of payment therefor.

2. The bonds of each series will, in each instance, be dated as of the first day of the month in which payment of the issue price is received by an agent authorized to issue the bonds, which date is herein referred to as the issue date; the bonds will mature and be payable at face value 12 years from such issue date. The issue date is the basis for determining the redemption or maturity period of the bond, and the date appearing in the issuing agent's stamp should not be confused therewith. The bonds of either series may not be called for redemption by the Secretary of the Treasury prior to maturity, but they may be redeemed prior to maturity, after six months from the issue date, at the owner's option, at fixed redemption values.

3. Bonds of Series F will be issued on a discount basis at 74 percent of their maturity value. No interest as such will be paid on the bonds, but they will increase in redemption value at the end of the first year from issue date, and at the end of each successive half-year period thereafter until their maturity, when the face amount becomes payable. The increment in value will be payable only upon redemption of the bonds. A table of redemption values appears on each bond. The purchase price of bonds of Series F has been fixed so as to afford an investment yield of about 2.53 percent per annum compounded semiannually if the bonds are held to maturity; if the owner exercises his option to redeem a bond prior to maturity the investment yield will be less.

4. Bonds of Series G will be issued at par, and will bear interest at the rate of 2½ percent per annum, payable semiannually from issue date. Interest will be paid by check drawn to the order of the registered owner. Interest will cease at maturity, or, in case of redemption before maturity, at the end of the interest period next preceding the date of redemption. A table of redemption values appears on each bond, and the difference between the face amount of the bond and the redemption value fixed for any period represents an adjustment (or refund) of interest. Accordingly, if the owner exercises his option to redeem a bond prior to maturity, the investment yield will be less than the interest rate on the bond. Bonds of Series G may be redeemed at par, in whole or in part, (1) upon the death of the owner, or a co-owner, if a natural person, or (2) as to bonds held by a trustee or other fiduciary, upon the death of any person which results in termination of the trust. If the trust is terminated only in part, redemp-

tion at par will be made only to the extent of the pro-rata portion of the trust so terminated, to the next lower multiple of \$100. In any case request for redemption at par must be received by the Treasury Department, Division of Loans and Currency, Merchandise Mart, Chicago 54, Illinois, or by a Federal Reserve Bank or Branch within 4 months after the date of death and in accordance with the regulations governing savings bonds.

5. Tables at the end of this circular show separately for bonds of Series F and those of Series G: (1) The redemption values, by denominations, during the successive half-year periods following issue, (2) the approximate investment yield on the issue price from issue date to the beginning of each half-year period, and (3) the approximate investment yield on the current redemption value from the beginning of each half-year period to maturity at the end of the 12-year period.

6. Bonds of Series F and Series G will not be transferable, and will be payable only to the owner named thereon, except in case of death or disability of the owner or as otherwise specifically provided in the regulations governing savings bonds, and in any event only in accordance with said regulations. Accordingly they may not be sold, discounted, hypothecated as collateral for a loan or the performance of a service, or disposed of in any manner other than as provided in the regulations governing savings bonds, and, except as provided in said regulations, the Treasury Department will recognize only the inscribed owner, during his lifetime and competency, and thereafter his estate or heirs.

7. *Taxation.* For the purpose of determining taxes and tax exemptions, the increment in value represented by the difference between the price paid for bonds of Series F (which are issued on a discount basis), and the redemption value received therefor (whether at or before maturity) shall be considered as interest, and that interest and interest on bonds of Series G, are not exempt from income or profits taxes now or hereafter imposed by the United States.¹ The bonds shall be subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

III. *Purchase of bonds*—1. *Agencies.* Bonds of Series F and Series G may be purchased, while this offer is in effect, upon application to any Federal Reserve Bank or Branch, or to the Treasurer of the United States, Washington 25, D. C.

¹For information concerning the taxable and exempt status under Federal tax laws of the interest (increment in value) on United States Savings Bonds issued on a discount basis (including bonds of Series F), and alternate methods of reporting such interest, see Internal Revenue Mimeograph, Coll. No. 5299, R. A. No. 1177, dated December 17, 1941. For credits on account of Victory Tax, see Internal Revenue Regulation 103, sections 19.453 and 19.454, as amended by Treasury Decision 5249.

Sales agencies, duly qualified under the provisions of Treasury Department Circular No. 657, as amended and supplemented, and banking institutions generally, may submit applications for account of customers, but only the Federal Reserve Banks and Branches and the Treasury Department are authorized to act as official agencies, and the receipt of application and payment at an official agency will govern the dating of the bonds issued.

2. *Payment for bonds.* Every application must be accompanied by payment in full of the issue price. Any form of exchange, including personal checks, will be accepted, subject to collection. Checks or other forms of exchange, should, be drawn to the order of the Federal Reserve Bank or the Treasurer of the United States, as the case may be. Checks payable by endorsement are not acceptable. Any depository qualified pursuant to the provisions of Treasury Department Circular No. 92 (Revised); will be permitted to make payment by credit for bonds applied for on behalf of its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its district.

3. *Postal savings.* Subject to regulations prescribed by the Board of Trustees of the Postal Savings System, the withdrawal of postal savings deposits will be permitted for the purpose of acquiring savings bonds.

4. *Form of application.* In applying for bonds under this circular, care should be exercised to specify whether those of Series F or Series G are desired, and there must be furnished: (1) Instructions for registration of the bonds to be issued, which must be in one of the authorized forms (see sec. V); (2) the post office address of the owner; (3) address for delivery of the bonds; and (4), in case of bonds of Series G, address for mailing interest checks. The use of an official application form is desirable, but not necessary. The application should be forwarded to the Federal Reserve Bank, or Branch, of the district, or to the Treasurer of the United States, accompanied by remittance to cover the purchase price (\$74 for each \$100 face amount of bonds of Series F, or \$100 for each \$100 face amount of bonds of Series G).

5. *Issue prices.* The issue prices of the various denominations of bonds of Series F and Series G follow:

SERIES F						
Denomination (maturity value)	\$25.00	\$100	\$500	\$1,000	\$5,000	\$10,000
Issue (purchase) Price	18.50	74	370	740	3,700	7,400

SERIES G						
Denomination (maturity value)	\$100	\$500	\$1,000	\$5,000	\$10,000	
Issue (purchase) Price	100	500	1,000	5,000	10,000	

IV. *Limitations on holdings.* 1. The amount of United States Savings Bonds of Series F, or of Series G, or the combined aggregate amount of both series,

originally issued during any one calendar year to any one person, including those registered in the name of that person alone, and those registered in the name of that person with another named as co-owner, that may be held by that person at any one time shall not exceed \$100,000 (issue price): *Provided, however,* That as to bonds of these series originally issued on or after January 1, 1944, the amount held by a commercial bank having savings deposits as defined in Regulation Q of the Board of Governors of the Federal Reserve System shall not in any case exceed \$100,000 (issue price) or ten percent of such savings deposits as shown on the bank's books as of the date of the most recent call statement required by the supervising authorities prior to the date of acquisition of such savings bonds, whichever is less; and *Provided further,* That the amount of savings bonds of Series F and Series G originally issued on or after January 1, 1944, held by a commercial bank together with 2½ percent Treasury Bonds of 1965-70, to be issued under Treasury Department Circular No. 720, and 2¼ percent Treasury Bonds of 1950-59, to be issued under Treasury Department Circular No. 730, shall not exceed in the aggregate \$200,000 or ten percent of the savings deposits of such bank as above defined, whichever is less.

2. Any bonds acquired on original issue which create an excess must immediately be surrendered for refund of the issue price, as provided in the regulations governing savings bonds.

V. *Authorized forms of registration.* 1. United States Savings Bonds of Series F and Series G may be registered only in one of the following forms:

(1) In the names of natural persons (that is, individuals), whether adults or minors, in their own right, as follows: (a) in the name of one person; (b) in the names of two (but not more than two) persons as coowners; and (c) in the name of one person payable on death to one (but not more than one) other designated person.

(2) In the name of an incorporated or unincorporated body, in its own right, except that they may not be registered in the names of commercial banks which are defined for this purpose as those accepting demand deposits: *Provided, however,* That bonds originally issued on or after January 1, 1944, may be registered in the name of a commercial bank having savings deposits to the extent and under the conditions set forth in section IV hereof.

(3) In the name of a fiduciary (except where the fiduciary would hold the bonds merely or principally as security for the performance of a duty or obligation).

(4) In the name of the owner or custodian of public funds.

2. *Restrictions.* Registration on original issues and authorized reissues, whether as owners, coowners, or designated beneficiaries, is restricted to residents (whether individuals or others) of the United States (which for the purposes of this section shall include the territories, insular possessions and the Canal Zone), citizens of the United States temporarily residing abroad, and to non-

resident aliens employed in the United States by the Federal Government or an agency thereof: *Provided, however, That on original issues but not on reissues, a nonresident alien (not a citizen of an enemy nation) may be named as coowner or designated beneficiary; and Provided further, That a nonresident alien, whether owner, coowner or beneficiary, succeeding to title on death of the owner, or succeeding to title upon the death of the surviving coowner or beneficiary will be entitled only to request and receive payment either at or before maturity and will not be entitled to reissue.*

3. Full information regarding authorized forms of registration will be found in the regulations currently in force governing United States Savings Bonds.

VI. *Delivery and safekeeping of bonds.* Federal Reserve Banks and Branches and the Treasurer of the United States are authorized to deliver bonds of Series F and Series G, duly inscribed and dated, upon receipt of the issue price. Bonds not delivered in person will be delivered by mail at the risk and expense of the United States, at the address given by the purchaser, but only within the United States, its territories and insular possessions and the Canal Zone.² No mail deliveries elsewhere will be made. If purchased by citizens of the United States temporarily residing abroad, bonds will be delivered at an address in the United States, or held in safekeeping, as the purchaser may direct. Personal delivery should not be accepted by any purchaser until he has verified that the correct name, or names, and address are duly inscribed, that the issue date (the first day of the month in which payment of the issue price was received by the agent) is duly entered, and that the dating stamp of the issuing agent is duly imprinted with current date—all on the face of the bond. If received by mail, the same verification should be made, and if any error in inscription or dating appears, such fact should immediately be reported to the issuing agent, and instructions requested.

2. Savings bonds of Series F and Series G will be held in safekeeping without charge by the Secretary of the Treasury if the holder so desires, and in such connection the facilities of the Federal Reserve Banks,³ as fiscal agents of the United States, and those of the Treasurer of the United States, will be utilized. Arrangements may be made for such safekeeping at the time of purchase, or subsequently.

VII. *Payment at maturity or redemption prior to maturity*—1. *General.* Any savings bond of Series F or Series G will be paid in full at maturity, or, at the option of the owner, after 6 months from the issue date, will be redeemed in whole or in part at the appropriate re-

demption value prior to maturity, on the first day of any calendar month, on one month's notice in writing, following presentation and surrender of the bond, with the request for payment properly executed, all in accordance with the regulations governing savings bonds.

2. *Notice of redemption.* When a savings bond of Series F or Series G is to be redeemed prior to maturity, a notice in writing of the owner's intention must be given to and be received by a Federal Reserve Bank or Branch, or the Treasury Department, Division of Loans and Currency, Merchandise Mart, Chicago 54, Illinois, not less than one calendar month in advance. A duly executed request for payment will be accepted as constituting the required notice.

3. *Execution of request for payment.* The registered owner, or other person entitled to payment under the regulations governing savings bonds, must appear before one of the officers authorized by the Secretary of the Treasury to witness and certify requests for payment, establish his identity, and in the presence of such officer sign the request for payment, adding the address to which the check is to be mailed. After the request for payment has been so signed, the witnessing officer should complete and sign the certificate provided for his use. Unless otherwise authorized in a particular case, the form of request appearing on the back of the bond must be used.

4. *Officers authorized to witness and certify requests for payment.* The officers authorized to witness and certify requests for payment of savings bonds are fully set forth in the regulations governing savings bonds, and include but are not limited to (1) United States postmasters and certain other post office officials or designated employees; and (2) officers (or designated employees) of all banks or trust companies incorporated in the United States or its organized territories, including officers at domestic branches (within the United States or its territories or insular possessions and the Canal Zone), or at foreign branches. All certificates should be authenticated by official seal, if there is one, or by an imprint of an issuing agent's dating stamp.

5. *Presentation and surrender.* After the request for payment has been duly executed by the person entitled and by the certifying officer, the bond must be presented and surrendered to a Federal Reserve Bank or Branch, or to the Treasury Department, Division of Loans and Currency, Merchandise Mart, Chicago 54, Illinois, at the expense and risk of the owner. For the owner's protection, the bond should be forwarded by registered mail, if not presented in person.

6. *Disability or death.* In case of the disability of the registered owner, or the death of the registered owner not survived by a coowner or a designated beneficiary, instructions should be obtained from a Federal Reserve Bank or Branch, or the Treasury Department, Division of Loans and Currency, Merchandise Mart, Chicago 54, Illinois, before the request for payment is executed.

7. *Method of payment.* The only agencies authorized to pay or redeem savings bonds are the Federal Reserve Banks

and Branches, and the Treasurer of the United States. Payment in all cases will be made by check drawn to the order of the registered owner or other person entitled to payment, and mailed to the address given in the request for payment.

8. *Partial redemption.* Partial redemption at current redemption value of a bond of Series F, of a denomination higher than \$25 (maturity value), or of a bond of Series G, of a denomination higher than \$100, is permitted, but must correspond to an authorized denomination. In case of partial redemption the remainder will be reissued in authorized denominations bearing the same issue date as the bond surrendered.

VIII. *Series designation.* 1. Bonds of Series F, issued during the calendar year 1944 are designated Series F-1944, and those of Series G are similarly designated Series G-1944, and those of either series which may be issued in subsequent calendar years will be similarly designated by the series letter, F or G, followed by the year of issue.

IX. *Lost, stolen, or destroyed bonds.* 1. If a bond of Series F or Series G is lost, stolen, or destroyed, a duplicate may be issued on the owner furnishing a description of the bond and establishing its loss, theft, or destruction.

2. In any case of the loss, theft, or destruction of a bond of Series F or Series G, the owner should give immediate notice to the Treasury Department, Division of Loans and Currency, Merchandise Mart, Chicago 54, Illinois, briefly stating the facts and giving a description of the bond. On receipt of such notice, full instructions for procedure will be given the owner.

3. A descriptive record of each bond of Series F or Series G held should be kept by the owner, apart from the bonds, so that a full description of the bonds will be available if they are lost, stolen, or destroyed. The record for each bond should show: (1) The denomination; (2) the serial number (with its prefix and suffix letters); (3) the inscription (name or names, and address, on the face of the bond); and (4) the issue date (month and year of issue).

X. *General provisions.* 1. All bonds of Series F and Series G, issued pursuant to this circular, shall be subject to the regulations prescribed from time to time by the Secretary of the Treasury to govern United States Savings Bonds. The present regulations governing savings bonds are set forth in Treasury Department Circular No. 530, Fifth Revision, as amended, copies of which may be obtained on application to the Treasury Department or to any Federal Reserve Bank or Branch.

2. The Secretary of the Treasury reserves the right to reject any application for savings bonds of either Series F or Series G, in whole or in part, and to refuse to issue or permit to be issued hereunder any such savings bonds in any case or any class or classes of cases if he deems such action to be in the public interest, and his action in any such respect shall be final.

3. Federal Reserve Banks and Branches, as fiscal agents of the United States, are authorized to perform such

²During the war emergency the Treasury may suspend deliveries to be made at its risk and expense from or to the continental United States and its territories, insular possessions and the Canal Zone, or between any of such places.

³Safekeeping facilities may be offered at some Branches of Federal Reserve Banks, and in such connection an inquiry may be addressed to the Branch.

services as may be requested of them by the Secretary of the Treasury in connection with the issue, delivery, safe-keeping, redemption, and payment of savings bonds of Series F and Series G.

4. The Secretary of the Treasury may at any time or from time to time supplement or amend the terms of this circular, or of any amendments or supplements thereto, information as to which will be promptly furnished the Federal Reserve Banks and Branches.

[SEAL] HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 43-20720; Filed, December 31, 1943;
10:51 a. m.]

DEPARTMENT OF THE INTERIOR.

Solid Fuels Administration for War.

DEFICIENCY IN STOCKS IN DESIGNATED SOUTHERN STATES

NOTICE TO PRODUCERS IN DISTRICT NO. 8

The necessity for shipping adequate supplies of bituminous coal to areas normally served by the Great Lakes, and to other northern areas experiencing inclement weather relatively early during the heating season of 1943 has resulted in deficient stocks of bituminous coal to meet the requirements of retail dealers who supply household consumers and others with coal in the States of Virginia, North Carolina, South Carolina, Georgia, Tennessee, Alabama, Kentucky, and Florida. In order to meet the present emergency in these states and to avoid hardship and suffering caused by lack of sufficient fuel, the following direction to producers in District No. 8, the district which normally serves these states, is issued pursuant to Executive Order No. 9332, issued by the President on April 19, 1943 (8 F.R. 5355), and Solid Fuels Administration for War Regulation No. 1 (8 F.R. 5832):

Each producer in District No. 8 (as described in the Annex to the Bituminous Coal Act of 1937) is hereby directed to ship on the first three operating days of the week of January 3, 1944, from each of his mines to his all-rail retail dealers in the above mentioned States from whom he now has orders the entire production of all sizes covered by such orders. Any producer who does not have sufficient orders from retail dealers in the above mentioned states to cover his entire production of domestic sizes during such period shall immediately communicate by telephone or telegraph with Mr. Wayne Ellis, Area Distribution Manager, Solid Fuels Administration for War, 600 Transportation Building, Cincinnati, Ohio, for directions concerning the shipment of such excess tonnage.

Each such producer shall notify his retail dealer customers of these directions and advise him that shipments are made pursuant to Solid Fuels Administration for War directions.

Each such producer shall report in writing on or before January 10, 1944, to Mr. Ellis, the name and location of each customer to whom coal is shipped in accordance with these directions, and

the tonnage shipped to each customer. In lieu of such report any producer may file with Mr. Ellis a copy of each invoice covering the tonnage shipped in accordance with these directions.

These directions take precedence over, but shall not otherwise alter, requirements of all other regulations, orders, or directions.

The reporting requirements of this direction have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9332, 8 F.R. 5355, E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176)

Issued this 31st day of December 1943.

C. J. POTTER,
Deputy Solid Fuels
Administrator for War.

[F. R. Doc. 43-20727; Filed, December 31, 1943;
11:08 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 924]

AMERICAN AIRLINES, INC.

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of American Airlines, Inc., for an amendment of temporary certificate of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of the Act, in the above-entitled proceeding insofar as it proposes to include San Antonio, Texas, as an intermediate point between Fort Worth-Dallas, Texas, and Monterrey, Mexico, on its Fort Worth-Dallas-Mexico City, Mexico route, that hearing now assigned January 10, 1944, is hereby postponed to January 25, 1944, at 10 a. m. (eastern war time) in Conference Room C, Departmental Auditorium between 13th and 14th Streets on Constitution Avenue, Washington, D. C.

Dated Washington, D. C., December 31, 1943.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43-20717; Filed, December 31, 1943;
10:32 a. m.]

[Docket No. SA-88]

ACCIDENT OCCURRING NEAR BURLINGTON, VT.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC 38844 and NC 35873 which occurred near Burlington, Vermont, on December 28, 1943.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said Act, in the above-entitled proceeding, that hearing is hereby assigned to be

held on Tuesday, January 4, 1944, at 9:30 a. m., (e. w. t.) in the Post Office Building, Burlington, Vermont.

Dated at Washington, D. C., December 31, 1943.

[SEAL] ALLEN P. BOURDON,
Presiding Officer.

[F. R. Doc. 43-20734; Filed, December 31, 1943;
11:37 a. m.]

UNITED STATES COAST GUARD.

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R.S. 4405, 4417a, 4426, 4488, 4491, as amended, 49 Stat. 1544 (46 U.S.C. 375, 391a, 404, 481, 489, 367), and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609), the following miscellaneous items of equipment for the better security of life at sea are approved:

BILGE PUMP FOR LIFEBOATS

No. 2 semi-rotary bilge pump (U.S.O.G. No. 2) (Dwgs. No. 1544, dated 9 December 1942, and No. 1600, dated 29 September 1943), manufactured by Amity Foundry & Machine Co., Perth Amboy, N. J.

LIFE RAFT

20-person, improved type steel life raft (Dwg. No. 100A, dated 27 November 1943), manufactured by the Redwood City Boat Works, Redwood City, Calif.

LIFESAVING NET

Superior chain ladder, multiple (debarcation) models "BIL" & "BST" (Dwg. dated 23 April 1943, revised 1 December 1943), submitted by the Superior Fire Equipment Corporation, New York, N. Y.

LINE-THROWING GUN

2½" line-throwing gun (Assembly Dwg. No. 475, dated 5 December 1943), submitted by Kent Marine Products Corp., West Babylon, N. Y.

EMBARKATION-DEBARKATION LADDER

Embarkation-debarkation ladder for use except on tank vessels (Dwg. No. 241-A, Revised 7 September, 1943), submitted by the American Chain Ladder Company, New York, N. Y.

(This supersedes the listing of the embarkation-debarkation ladder submitted by the American Chain Ladder Company published in 8 F.R. 16038 on 26 November, 1943.)

R. R. WARSCHKE,
Commandant.

DECEMBER 30, 1943.

[F. R. Doc. 43-20711; Filed, December 31, 1943;
9:23 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5825]

THE MONTANA POWER COMPANY

ORDER TO SHOW CAUSE AND FIXING DATE OF HEARING

DECEMBER 28, 1943.

It appearing to the Commission that:

(a) On August 1, 1940, The Montana Power Company filed its purported reclassification and original cost studies pursuant to Electric Plant Accounts Instruction 2-D of the Commission's Uni-

form System of Accounts Prescribed for Public Utilities and Licenses, effective January 1, 1937, and the Commission's order of May 11, 1937, pertaining thereto;

(b) The staff of this Commission made a field examination of the Company's studies and submitted a report to the Commission covering such examination entitled, "The Montana Power Company, Butte, Montana, Report on the Reclassification and Original Cost Studies of Electric Plant as at January 1, 1937";

(c) On February 5, 1943, the report of the staff was transmitted to the Company together with a request that it make the accounting adjustments indicated in such report; submit copies of the entries effecting these adjustments; dispose of certain amounts established by the staff in Account 107, Electric Plant Adjustments, in the manner proposed by the staff; submit plans for the disposition of certain other amounts established by the staff in Account 107, Electric Plant Adjustments, and Account 108.15, Common Utility Plant Acquisition Adjustments; and prepare certain additional studies as recommended in that report;

(d) On June 9, 1943, the Company submitted revised reclassification and original cost studies to the Commission together with a response to the recommendations contained in the report of the staff;

(e) In its report, the staff of the Commission proposed the classification of (1) \$2,707,690.26 in Account 108.15, Common Utility Plant Acquisition Adjustments, pending disposition, (2) a net amount of \$50,632,841.26 in Account 107, Electric Plant Adjustments, pending disposition, and (3) \$4,031,252.69 in Account 100.6, Electric Plant in Process of Reclassification, pending further studies by the Company;¹

(f) In its revised studies, the Company has concurred in the aforesaid classification of \$2,707,690.26 in Account 108.15 and proposes the classification of the \$54,664,093.95, proposed by the staff for classification in Accounts 107 and 100.6 as stated in paragraph (e), above, in the following accounts:

301, Organization	\$38,610.41
320, Land and Land Rights	37,670,331.22
351, Structures and Improvements	18,911.05
100.5, Electric Plant Acquisition Adjustments	14,144,405.63
107, Electric Plant Adjustments	2,439,622.86
131, Materials and Supplies	10,266.14
151, Capital Stock Expense	341,946.64
-Total	\$54,664,093.95

(g) Montana proposes to dispose of the \$2,707,690.26 classified in Account 108.15 by "(1) charges to the applicable depreciation and amortization reserves upon the retirement of the depreciable property, i. e., the proportional amount associated with units of property retired from service from time to time will be added to the original cost of such units when retired, and the total of such amounts will be charged against the applicable

reserves, and (2) the retention of any remaining amount until such time as (a) the disposal, by sale or otherwise, of the utility service with which the amount is identifiable, or (b) the amount ceases to have value"; to classify and retain \$9,270,730.72 of the \$14,144,405.63 included by Montana in Account 100.5, Electric Plant Acquisition Adjustments, under a subaccount designated as Account 320, Land and Land Rights, and dispose of the remainder of \$4,873,624.91 in the same manner as that proposed for the amount of \$2,707,690.26 classified in Account 108.15, Common Utility Plant Acquisition Adjustments; to dispose of the \$2,439,622.86 it has classified in Account 107 by a charge to Account 271, Earned Surplus; and to retain all other amounts in the accounts described in paragraph (f) hereof;

(h) On May 4, 1943, the Commission entered an order granting the Company's petition to take depositions to perpetuate the testimony of C. F. Kelley and W. D. Thornton, and pursuant to that order their testimony on direct examination has been taken and completed, but counsel for the Commission has not completed cross-examination, and by order of November 16, 1943, the Commission authorized counsel for the Commission to defer completion of cross-examination until January 5, 1944;

The Commission finds that:

It is appropriate to carry out the provisions of the Federal Power Act that a public hearing be held for the purpose of determining the appropriate disposition of \$2,707,690.26 classified in Account 108.15, and the appropriate classification and disposition of the \$54,664,093.95, as hereinafter provided;

The Commission orders that:

(A) A public hearing be held commencing on January 31, 1944, at 9:45 a. m. (e. w. t.) in the Commission's Hearing Room at 1800 Pennsylvania Avenue NW., Washington, D. C., and at such hearing The Montana Power Company show cause, if any there be, why the Commission should not by order find, determine and direct that Montana:

(1) Dispose of the \$2,707,690.26 classified by it in Account 108.15, Common Utility Plant Acquisition Adjustments, in accordance with the evidence adduced at the hearing respecting the appropriate method of disposition thereof;

(2) Classify the \$50,632,841.26 in Account 107, Electric Plant Adjustments, in accordance with the recommendations of the staff report;

(3) Dispose of the \$50,632,841.26 in accordance with such plan as the Commission shall approve or prescribe;

(4) Prepare additional studies with respect to \$4,031,252.69 for the purpose of determining the appropriate classification and disposition of this amount in accordance with the requirements of the Commission's Uniform System of Accounts;

(B) At said hearing, Montana submit plans for the disposition of any and all amounts proposed for classification in Account 100.5, Electric Plant Acquisition Adjustments, Account 107, Electric Plant Adjustments, and Account 108.15, Common Utility Plant Acquisition Adjustments;

(C) Upon motion and subject to the determination of any objection which may properly be maintained thereto, the portion of the testimony of C. F. Kelley and W. D. Thornton heretofore taken on deposition may physically be incorporated in the record of the hearing, upon completion of cross-examination of said C. F. Kelley and W. D. Thornton, the time for which is hereby further extended until the hearing in this matter is concluded;

(D) Nothing in paragraph (C) of this order shall be taken as a ruling by the Commission as to the materiality, relevancy or competency of any testimony of C. F. Kelley and W. D. Thornton;

(E) The Board of Railroad Commissioners of the State of Montana and the Idaho Public Utilities Commission may participate in the hearing as provided in Part 39, §39.4 of this Commission's Rules of Practice and Regulations prescribed pursuant to the provisions of the Federal Power Act.

By the Commission.

[SEAL]

J. H. GUTHRIE,
Acting Secretary.

[F. R. Doc. 43-25713; Filed, December 31, 1943; 10:14 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-833]

THE LAKE SHORE GAS CO. AND ASSOCIATED ELECTRIC CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia 3, Pa., on the 28th day of December, 1943.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, by Associated Electric Company, a registered holding company, and its wholly controlled subsidiary, The Lake Shore Gas Company; and

All interested persons are referred to the said application-declaration which is on file in the office of the said Commission for a statement of the transactions therein proposed, which are summarized below:

Associated Electric Company proposes to sell to Malvern Hill, a non-affiliate, for the base price of \$720,000, all of Associated Electric Company's interest in its subsidiary, The Lake Shore Gas Company. The securities and indebtedness to be sold consist, as of September 30, 1943, of the following:

First Mortgage 5½% Bonds, due November 1, 1950, (\$839,000 p. a. outstanding) principal amount	\$154,000.00
Accrued interest thereon aggregating	3,523.17
Open Account Indebtedness (bearing interest at the rate of 6% per year when earned)	1,270,000.00
Accrued interest thereon aggregating	6,400.00
Open Account Indebtedness, non-interest-bearing	50,000.00
Common Stock (no par) 100% of the outstanding issue	6,000 shares

¹The staff of the Commission also proposed that \$54,296,108.91 be classified in Account 100.1, Electric Plant in Service.

Associated Electric Company also proposes to acquire from The Lake Shore Gas Company all of the latter's holdings of 550 shares of common stock of Atlantic Utility Service Corporation, for a total cash consideration of one dollar.

The filing designates sections 9 (a) (1), 10, 12 (d), and 12 (f) of the Act, and Rules U-43 and U-44 promulgated thereunder, as applicable to the filing.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to such matters;

It is ordered, That a hearing on such matters under the applicable provisions of said act and rules of the Commission thereunder be held on January 13, 1944, at 10:00 a. m., e. v. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Henry C. Lank, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That any person desiring to be heard in connection with the proceeding or proposing to intervene herein shall file with the Secretary of the Commission, on or before January 11, 1944, his request or application therefor, as provided by Rule XVII of the rules of practice of this Commission.

It is further ordered, That, without limiting the scope of the issues presented by said application-declaration, particular attention will be directed at such hearing to the following matters:

1. Whether the proposed transactions are in the public interest and in the interest of investors and consumers;

2. Whether the consideration to be received for the proposed sale is fair and reasonable;

3. Whether the proposed acquisition by Associated Electric Company of the common stock of Atlantic Utility Service Corporation complies with the provisions of section 10 of the Act;

4. The propriety of the accounting treatment to reflect the proposed transactions on the books of the applicants-declarants;

5. Whether, and to what extent, it is necessary or appropriate in the public interest to impose terms or conditions in regard to the accounts or capital structure of The Lake Shore Gas Company, or otherwise in regard to the proposed transactions;

6. Whether, in all other respects, the proposed transactions comply with all the applicable provisions and requirements of the Public Utility Holding Com-

pany Act of 1935 and the rules and regulations promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-20726; Filed, December 31, 1943;
10:49 a. m.]

[File No. 70-837]

OHIO-MIDLAND LIGHT AND POWER CO. AND
ASSOCIATED ELECTRIC CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia 3, Pa., on the 28th day of December 1943.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, by Associated Electric Company, a registered holding company, and its wholly-owned subsidiary, Ohio-Midland Light and Power Company; and

All interested persons are referred to the said application-declaration which is on file in the office of the said Commission for a statement of the transactions therein proposed, which are summarized below:

Associated Electric Company proposes to sell to Joseph B. Wilson, a non-affiliate, for the base price of \$1,885,000, in cash, subject to adjustments, all of Associated Electric Company's interest in its subsidiary. As at September 30, 1943, the outstanding securities and indebtedness of Ohio-Midland Light and Power Company, which are to be sold, consist of the following:

The Scioto Valley Railway and Power Company First Mortgage, 6% Gold Bonds, due June 1, 1943, principal amount.....	\$844,000.
Accrued interest thereon aggregating.....	\$16,880.
The Scioto Valley Railway and Power Company 6% Gold Notes, due March 1, 1932, principal amount.....	\$355,000.
Accrued interest thereon aggregating.....	\$1,775.
Open Account Indebtedness (bearing interest at the rate of 6% per year when earned).....	\$455,000.
Accrued interest thereon aggregating.....	\$2,325.
\$6.50 Series First Preferred Stock (par value \$100 per share).....	1,000 shares.
\$5.00 Series Preferred Stock (no par).....	1,975.46 $\frac{2}{3}$ shares.
Class A Stock (no par).....	3,774.16 $\frac{2}{3}$ shares.
Common Stock (no par).....	1,640 shares.

Associated Electric Company also proposes to acquire from Ohio-Midland Light and Power Company all of the latter's holdings of 580 shares of common stock of Atlantic Utility Service Corporation, for a total cash consideration of one dollar.

The filing designates sections 9 (a), 10, 12 (d), and 12 (f) of the act, and

Rules U-43, U-44, and U-50 promulgated thereunder, as applicable to the filing.

The said application-declaration also contains a request that the Commission find that, with respect to the proposed sale, compliance with the provisions of paragraphs (b) and (c) of Rule U-50 is not necessary or appropriate to meet the objectives referred to in paragraph (a) (5) of said rule.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to such matters:

It is ordered, That a hearing on such matters under the applicable provisions of said act and rules of the Commission thereunder be held on January 26, 1944, at 10 a. m., e. v. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in room 318 will advise as to the room in which such hearing will be held;

It is further ordered, That Henry C. Lank, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That any person desiring to be heard in connection with the proceeding or proposing to intervene herein shall file with the Secretary of the Commission, on or before January 18, 1944, his request or application therefor, as provided by Rule XVII of the rules of practice of this Commission.

It is further ordered, That, without limiting the scope of the issues presented by said application-declaration, particular attention will be directed at such hearing to the following matters:

1. Whether the proposed transactions are in the public interest and in the interest of investors and consumers;

2. Whether the consideration to be received for the proposed sale is fair and reasonable;

3. Whether the proposed acquisition by Associated Electric Company of the common stock of Atlantic Utility Service Corporation complies with the provisions of section 10 of the act;

4. The propriety of the accounting treatment to reflect the proposed transactions on the books of the applicants-declarants;

5. Whether compliance with the requirements of paragraphs (b) and (c) of Rule U-50 is not necessary or appropriate;

6. Whether, and to what extent, it is necessary or appropriate in the public interest to impose terms or conditions in regard to the accounts or capital structure of Ohio-Midland Light and Power Company, or otherwise in regard to the proposed transactions;

7. Whether, in all other respects, the proposed transactions comply with all the applicable provisions and requirements of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-20725; Filed, December 31, 1943;
10:49 a. m.]

[File No. 31-375]

MIDDLE WEST UTILITIES COMPANY OF
CANADA LIMITED

ORDER EXTENDING ORDER OF EXEMPTION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 29th day of December, A. D. 1943.

Middle West Utilities Company of Canada Limited having applied for an extension of an order granted on May 24, 1939, and heretofore extended by order dated January 3, 1942, exempting it and its subsidiaries from certain specified sections of the Public Utility Holding Company Act of 1935 pursuant to sections 3 (a) (5) and 3 (b) thereof, such extended order providing that the exemption granted thereby should expire December 31, 1943, without prejudice to the right of Middle West Utilities Company of Canada Limited to apply on behalf of it and its subsidiary companies for an extension of the time during which such order shall be effective and also without prejudice to the right of said Middle West Utilities Company of Canada Limited to apply at any time for such enlargement of any of the provisions of such order as it may deem appropriate;

The Commission having considered such application and the record herein, and it appearing that no substantial changes have occurred in the position of the applicant and its subsidiaries since the issuance of said order of January 8, 1942, and that the granting of a further extension of said order of May 24, 1939 would not be detrimental to the public interest or the interest of investors or consumers;

It is hereby ordered, That the time during which such order of exemption shall be effective be and the same hereby is extended until December 31, 1944, without prejudice to the right of Middle West Utilities Company of Canada Limited to apply on behalf of it and its subsidiary companies for an extension of the time during which such order shall be effective and also without prejudice to the right of said Middle West Utilities Company of Canada Limited to apply at any time for such enlargement of any of the provisions of such order as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-20721; Filed, December 31, 1943;
10:49 a. m.]

[File No. 70-831]

ELECTRIC POWER & LIGHT CORPORATION AND
LOUISIANA POWER & LIGHT COMPANY

ORDER GRANTING APPLICATION AND PERMIT-
TING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 29th day of December, A. D. 1943.

Louisiana Power & Light Company, an electric utility company, and its corporate parent, Electric Power & Light Corporation, a registered holding company, having filed a joint declaration and application and an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6, 7, 9, 10 and 12 thereof, and Rules U-42, U-45, and U-62 promulgated thereunder with respect to the following transactions:

Electric Power & Light will make a capital contribution of 30,000 shares of the \$6 Second Preferred Capital Stock of Louisiana Power & Light Company (being all of such stock issued and outstanding) to the latter company. Louisiana Power & Light will acquire such shares of stock and take the following steps:

(1) Cancel the 30,000 shares of its Second Preferred Stock surrendered to it as above, and reduce its capital stock liability by \$3,000,000, the amount of the claim on liquidation of such shares;

(2) Credit its capital surplus account with the said \$3,000,000 reduction in capital stock liability and charge thereto a balance of \$3,000,000 presently classified in its plant account which it has been ordered to eliminate therefrom;

(3) State its capital stock liability on its outstanding 60,000 shares of \$6 (First) Preferred Stock at \$100 per share or \$6,000,000 its claim on liquidation, and its capital stock liability on its outstanding 1,200,000 shares of common stock, at \$5 per share or \$6,000,000.

Louisiana Power & Light Company in addition proposes to amend its certificate of incorporation, such amendments to provide in substance that:

1. The present authorization for the issuance of Second Preferred Stock (\$6) shall be eliminated, and the authorization for 205,000 shares of \$6 (First) Preferred Stock shall be reduced to 200,000 shares;

2. In the event that accumulated and unpaid preferred dividends at the date of any annual meeting shall aggregate four full quarterly dividends a majority of the Preferred Stockholders, voting as a class, shall be entitled at any annual meeting to elect a majority of the Board of Directors;

3. Any mortgage or pledge of fixed assets (other than to refund existing mortgage debt or to take action required to be taken under the existing mortgage) shall be first approved by a majority of each class of stockholders present and voting at a meeting called for such purpose;

4. Any change in the provisions set out in paragraphs (2) and (3) above shall be approved by two-thirds of the Preferred Stockholders voting as a class;

5. The provision permitting transfer of all outstanding stock to a new corporation in return for the capital stock of such new corporation upon a vote of stockholders required to dissolve the corporation shall be eliminated.

Louisiana Power & Light Company further proposes to mail proxies, proxy statements and other accompanying data permitted by Rule U-62 in connection with the solicitation of proxies for a special stockholders' meeting to approve the above proposals; and

Said application and declaration having been filed on December 1, 1943, and notice of said filing having been duly given in the manner and form prescribed by Rule U-23 under said Act and the Commission not having received a request for hearing with respect to said application and declaration, as amended, within the period specified within such notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that all applicable statutory requirements are met and deeming it appropriate in the public interest and in the interest of investors and consumers to grant said amended application and permit said amended declaration, to become effective;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that the said application, as amended, be granted and the said declaration, as amended, be and the same is hereby permitted to become effective forthwith.

By the Commission, Commissioner Healy filing a dissenting statement, which is attached hereto.

[SEAL] ORVAL L. DuBOIS,
Secretary.

Healy C. Dissenting:

I dissent for the reasons stated in my memorandum of April 1, 1940. I think it is particularly regrettable that this case did not go to hearing and that there was no explanation in the record of several book entries which were made by the applicant after the October 29, 1943 order of the Federal Power Commission. Of particular interest among such items is one whereby \$1,552,509.62 of Account 167, pure write-up, was charged off against Reserve for Property Retirement. I question whether such an entry actually eliminates the approximately \$1,500,000 of write-up on a net basis. I question also whether, if this retirement reserve was created by accruals charged as operating expenses and recovered through rates paid by consumers, it is fair to the consumers that the reserve be used to absorb a write-up which has been created to balance some other item, such as common stock. If this approximate \$1,500,000 of write-up is part of the water against which stock was issued why should the retirement reserve be used to retire it? Why should not such a reserve be used to retire property and not pure write-up? These are important questions but in the absence of a record I do not care to hazard an answer.

[F. R. Doc. 43-20724; Filed, December 31, 1943;
10:50 a. m.]

[File No. 70-822]

NORTHERN STATES POWER COMPANY (DELAWARE AND NORTHERN STATES POWER COMPANY (MINNESOTA))

ORDER PERMITTING JOINT DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 29th day of December 1943.

Northern States Power Company (Delaware), a registered holding company, and its subsidiary, Northern States Power Company (Minnesota), also a registered holding company, having filed a joint declaration pursuant to section 12 (b) of the Public Utility Holding Company Act of 1935 and Rule U-45 of the general rules and regulations promulgated thereunder, regarding a proposal to postpone the payment of \$806,517.09, the balance of installments due on or before December 31, 1943, on the principal of the open account indebtedness (which is now in the amount of \$7,530,852.08) owing by Northern States Power Company (Delaware) to Northern States Power Company (Minnesota), until June 30, 1944, because a plan filed by Northern States Power Company (Delaware) pursuant to section 11 (e) of said act for its liquidation and dissolution, the proceedings on which are still pending, provides for the disposition of said indebtedness primarily by the surrender by Northern States Power Company (Minnesota) of 481,111 shares of the common stock of the last mentioned company, all of which is owned by Northern States Power Company (Delaware), and for a distribution of the remaining shares of the common stock of Northern States Power Company (Minnesota) among the stockholders of Northern States Power Company (Delaware), and because a reduction in the indebtedness would necessitate an alteration in the allocations proposed by the plan and serve no useful purpose; Northern States Power Company (Minnesota) agrees that, pending the consummation of the plan and until June 30, 1943, or the date of such consummation (whichever shall be earlier), it will segregate on its books \$806,517.09 of its earned surplus as not being available for the declaration of dividends on its common stock; declarants further request that Northern States Power Company (Minnesota) be permitted to waive all interest due on said indebtedness for the period from December 31, 1943, to June 30, 1944;

Said joint declaration having been filed on November 30, 1943, and notice of said filing having been duly given in the manner and form prescribed by Rule U-23 under said Act and the Commission not having received a request for hearing with respect to said declaration within the period specified within such notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that all applicable statutory requirements are met and deeming it appropriate in the public interest and in the interest of investors

and consumers to permit said declaration to become effective;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 and to the agreement with respect to earned surplus set forth in said joint declaration, that the said declaration be and the same is hereby permitted to become effective forthwith: *Provided, however*, That nothing contained in this order shall be construed as constituting a determination by the Commission of the propriety of the disposition of the open account indebtedness as proposed in the aforementioned plan.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-20723; Filed, December 31, 1943;
10:49 a. m.]

[File No. 54-46]

LONE STAR GAS CORP., ET AL.

ORDER APPROVING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 30th day of December 1943.

In the matter of Lone Star Gas Corporation, Lone Star Gas Company, et al. File No. 54-46.

Lone Star Gas Company (successor to Lone Star Gas Corporation, formerly a registered holding company) and Lone Star Gas Corporation having filed an amendment to a plan under section 11 (e) of the Public Utility Holding Company Act of 1935, which plan, providing, in part, for the disposition by the Lone Star holding company system of all interests in the gas production and distribution properties operating in and around the City of El Paso, Texas, was approved by the Commission in its order dated October 22, 1942; Lone Star Gas Company having proposed in the said amendment the sale of the physical properties and assets, including material and supplies, equipment, and accounts receivable, comprising the gas production and distribution systems serving El Paso, Texas and adjacent territory, for the sum of \$2,700,000 in cash (subject to certain adjustments) and the use of \$2,617,000 of the proceeds of such proposed sale to reduce its outstanding long-term Bank Loan Notes; the purchaser of said properties being Southern Union Gas Company which operates natural gas properties in New Mexico, Texas, and Oklahoma;

Lone Star Gas Company having requested that the order of the Commission approving such transactions conform with the requirements of sections 371 (b), 371 (f), and 1808 (f) of the Internal Revenue Code, as amended, and contain the findings therein specified;

A public hearing having been held after appropriate notice; the Commission having considered the record in this matter and having made and filed its findings and opinion herein; the Commission finding that the sale by Lone Star Gas

Company of the physical properties and assets comprising the gas production and distribution systems serving El Paso, Texas and adjacent territory, for the said sum of \$2,700,000 (subject to certain adjustments) and the application of \$2,617,000 of such proceeds of sale to the reduction of its outstanding long-term Bank Loan Notes dated August 26, 1943, as provided for in the Bank Loan Agreement between Lone Star Gas Company and The Union Trust Company of Pittsburgh and certain other banks, dated August 26, 1943, are necessary or appropriate to the integration or simplification of the Lone Star system, and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935;

The said El Paso gas production and distribution properties being more completely specified, itemized, and described in the contract of sale and purchase between Lone Star Gas Company and Southern Union Gas Company, dated November 5, 1943; the said contract, having been filed as a part of the record of this proceeding, is hereby incorporated by reference in this order and made a part hereof with the same force and effect as if set forth at length herein;

The said outstanding Bank Loan Notes of Lone Star Gas Company being more completely described and specified in the Bank Loan Agreement dated August 26, 1943, between Lone Star Gas Company and The Union Trust Company of Pittsburgh and certain other banks; the said Bank Loan Agreement, having been filed as a part of the record of this proceeding, is hereby incorporated by reference in this order and made a part hereof with the same force and effect as if set forth at length herein;

It is ordered, That the sale by Lone Star Gas Company of the physical properties and assets comprising the El Paso gas production and distribution system serving El Paso, Texas, and adjacent territory, for the sum of \$2,700,000 (subject to certain adjustments) and the application of \$2,617,000 of such proceeds of sale to the reduction of its outstanding long-term Bank Loan Notes dated August 26, 1943, as provided for in the Bank Loan Agreement between Lone Star Gas Company and The Union Trust Company of Pittsburgh and certain other banks, dated August 26, 1943, are necessary or appropriate to the integration or simplification of the Lone Star system and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

It is further ordered, That the application relating to the said sale of the El Paso properties be, and hereby is, approved, and that the declaration relating to the said sale be, and hereby is, permitted to become effective, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-20722; Filed, December 31, 1943;
10:50 a. m.]

WAR FOOD ADMINISTRATION.

DESIGNATED MARKETING AREAS IN MASSACHUSETTS, NEW YORK AND PENNSYLVANIA*

EQUIVALENT PRICE FOR ANIMAL FEED DRY SKIM MILK

Formula for use in computing equivalent price for animal feed dry skim milk under the orders regulating the handling of milk in the marketing areas of Greater Boston, Massachusetts; Fall River, Massachusetts; Lowell-Lawrence, Massachusetts; New York Metropolitan; and Philadelphia, Pennsylvania.

Pursuant to the applicable provisions¹ of the orders regulating the handling of milk in the marketing areas of Greater Boston, Massachusetts;² Fall River, Massachusetts;³ Lowell-Lawrence, Massa-

chusetts;⁴ New York metropolitan;⁵ and Philadelphia, Pennsylvania,⁶ it is hereby determined that for each applicable period the price equivalent of dry skim milk quotations for animal feed, as used in §§ 904.6 (b) (2) (iii); 947.4 (b); 934.6 (c) (2) (iii); 927.4 (a) (15); and 961.4 (a) (2) (ii) of such orders, shall be a price computed by the respective market administrator under each order, by multiplying the average manufacturers' wholesale selling price per pound of animal feed dry skim milk for the second preceding month, as published by the United States Department of Agriculture in Evaporated, Condensed, and Dried Milk Report, by 1.1308, and subtracting 0.1617 from the result of such multiplication. It is hereby further determined that, for the purposes of § 927.2 (e) (1)

of the order regulating the handling of milk in the New York metropolitan marketing area, the price equivalent for the period of 30 days preceding the 25th day of each month shall be a weighted average of the equivalent prices otherwise determined herein for each of the calendar months comprising such 30-day period; with weighting according to the number of days in each such calendar month during such 30-day period in which quotations for dry skim milk, "other brands, human consumption, carlots, bags, or barrels," were published in The Producers' Price-Current.

(E.O. 9322, 8 F.R. 3907; E.O. 9334, 8 F.R. 5423)

Issued at Washington, D. C., this 30th day of December 1943.

THOMAS J. FLAVIN,

Assistant to the War Food Administrator.

[F. R. Dec. 43-23763; Filed, December 30, 1943; 3:39 p. m.]

* 8 F.R. 8294.

² 7 CFR, 1941 Supp., 904 *et seq.*

³ 7 CFR, 1941 Supp., 947 *et seq.*

⁴ 7 CFR, 1941 Supp., 934 *et seq.*

⁵ 7 CFR, 1940 Supp., 927 *et seq.*

⁶ 7 F.R. 2377.

